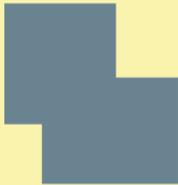




# TOWN OF SOUTHERN SHORES

Code Assessment - final

10.3.16



# ACKNOWLEDGEMENTS

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## **MAYOR**

Tom Bennett

## **TOWN COUNCIL**

Fred Newberry, Mayor Pro Tem

Leo Holland

Chris Nason

Gary McDonald

## **TOWN STAFF**

Peter Rascoe, Town Manager

Wes Haskett, Town Planner

Rachel Patrick, Public Works Director

David Kole, Police Chief

Edward Limbacher, Fire Chief

Dabni Shelton, Permit Officer

## **CONSULTANT**

CodeWright Planners, LLC

9 Blue Bottle Lane

Durham, NC 27705

919.593.2868

[www.codewright.info](http://www.codewright.info)

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# TABLE OF CONTENTS

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<b>1. Project Introduction.....</b>	<b>1</b>
1.1 Purpose .....	1
1.2 Work Program & Schedule .....	2
1.3 Document Contents.....	3
<b>2. Summary of Input .....</b>	<b>4</b>
2.1 Citizen Survey & Council Comments.....	5
2.2 Staff Comments.....	7
2.3 State Law Changes .....	8
2.4 Technical Changes.....	11
2.5 Input Summary Matrix .....	16
<b>3. Annotated Outline.....</b>	<b>25</b>
3.1 Chapter 1 General Provisions.....	25
3.2 Chapter 2 Administration .....	27
3.3 Chapter 4 Definitions .....	28
3.4 Chapter 6 Fire Prevention and Protection .....	29
3.5 Chapter 8 Motor Vehicles and Traffic .....	31
3.6 Chapter 10 Emergency Management.....	32
3.7 Chapter 12 Solid Waste.....	33
3.8 Chapter 14 Wastewater .....	34
3.9 Chapter 16 Cable Television .....	35
3.10 Chapter 18 Streets, Sidewalks, and Other Public Property .....	36
3.11 Chapter 20 Buildings and Building Regulations .....	37
3.12 Chapter 22 Zoning.....	38
3.13 Chapter 24 Businesses and Business Regulations .....	39
3.14 Chapter 26 Subdivisions .....	40
3.15 Chapter 28 Flood Damage Prevention .....	41
3.16 Chapter 30 Waterways and Beaches .....	42
3.17 Chapter 32 Cemeteries .....	43
3.18 Chapter 34 Animals.....	44
3.19 Chapter 36 Offenses and Enforcement.....	46

<b>4. Appendices .....</b>	<b>48</b>
4.1 Public Comments Received on the Public Review Draft Version .....	49
4.2 Section-by-Section Review of Current Town Code.....	55
4.3 Town Code Examples .....	80
4.4 Nags Head, NC .....	72
4.5 Duck, NC .....	74
4.6 Kill Devil Hills, NC.....	75
4.7 Manteo, NC .....	77
4.8 North Topsail Beach, NC.....	79
4.9 Southport, NC.....	81
4.10 Kiawah Island, SC.....	83
4.11 Edisto Beach, SC .....	85
4.12 Fernandina Beach, FL.....	87
4.13 Ocean City, MD.....	89
4.14 Style Set for New Code .....	91

# 1. PROJECT INTRODUCTION

## 1.1 PURPOSE

The Town of Southern Shores Code of Ordinances is the group of laws that governs the Town's activities and sets rules of conduct for residents and visitors to the Town. The code gives the Town the legal authority to provide public services such as police, fire, and solid waste; sets out regulations related to traffic, streets; limits nuisance activities by individuals; and sets out the zoning and development regulations. Generally speaking, plans and policies (like a comprehensive plan or a broadly stated policy adopted by Town Council) express a community's collective vision for its future. The Town Code is the means for implementing these plans and policies.

In July 2015 The Town of Southern Shores issued a request for proposals (RFP) seeking a firm to assist in an update of the Town Code. The main goals of this project, as stated in the RFP, are to eliminate redundancies and reformat, consolidate, delete, and possibly add sections and/or chapters that are consistent with current Town operations.

Problems with language consistency, confusing terminology, procedural vagueness, and inconsistency between code text and the way Town departments or agencies currently operate have led to frustration on the part of both the public and Town Staff in the administration of the ordinance. There has also been confusion in the past about whether or not policy should be located within the Town Code. As a result, some Town policies are codified in the text of the ordinances while others are not.

In light of changing state laws and the need to ensure that the Town's regulations are easy to understand and administer, Southern Shores is updating the Town Code. For the most part, this update includes non-substantive organizational changes that seek to clarify the existing standards, not create new ones. Where substantive changes are suggested, these changes are suggested to reflect current operations, or changes resulting from revision to state laws.

The consulting team has spent the last several months reviewing the current Town Code, meeting with Town officials and staff, project stakeholders, and residents. This Code Assessment report is the culmination of this input, research, and discussion. It is intended as a framework for the Town's ongoing discussions about how to improve the code's organization and clarity.



Southern Shores is comprised of oceanfront, sound front, and interior lots with a remarkable amount of topographic relief for a coastal barrier island.

## 1.2 WORK PROGRAM & SCHEDULE

This Code Assessment is the second task in the Town Code Update Project. It serves as a framework for discussion about how code drafting will take place. The table below shows the four key steps and timing of the project:

Task	Description	Timing
1. Project Initiation	The consulting team reviewed background documents and traveled to town for an initiation trip which includes a tour of the Town; meetings with elected officials; stakeholder interviews; and a meeting with and presentation to key Town staff.	Completed November 2015
2. Code Assessment	The consulting team worked with Town staff to develop, administer, and tabulate the citizen preference survey, then led a public forum and presented at a Town Council meeting on the project generally and survey results. This input along with the comments collected in Task 1 formed the basis for this Code Assessment document.	In Progress
3. Drafting	Code drafting will take place in three modules, or groups of related chapters. Each will be reviewed by the consulting team attorney, reviewed by Town staff, revised, and then released for public review. The project contains a budget for graphics which will be produced during this task as well. Following completion of each module, the consulting team will travel to Southern Shores to present the draft to key staff and Town Council.	6 months after Task 2 completion
4. Adoption Draft	During the final step, the consulting team will consolidate the three modules into an adoption draft that includes graphics, full formatting, cross referencing, and an index. The consulting team will attend a Planning Board meeting and a Town Council meeting to see the document through the adoption process. Following adoption, the consulting team will make final revisions and provide a final version of the document to the Town.	TBD (depending on adoption hearing schedule)

Following completion of the Code Assessment, the consulting team is prepared to begin drafting the first module of the code text. It is anticipated that the drafting process will take six months from the completion of the Code Assessment task.

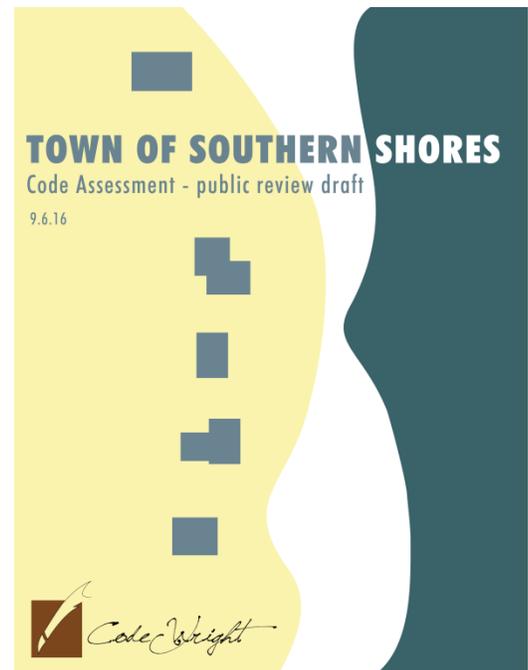
## 1.3 DOCUMENT CONTENTS

This Code Assessment is comprised of three sections in addition to this introduction:

Part 2 contains a summary of input received so far in the project, organized by the source of the input: the citizen survey conducted in December 2015-January 2016 and Town Council's direction based on the results of that survey; comments from key Town Staff who administer the code; a summary of key state law changes that affect municipal operations; and technical changes suggested by the consulting team based on our knowledge of national best practices and what works for similar communities. Following a short review of each of these input sources individually, we have included a summary matrix that lists the input received on every code section.

Part 3, the Annotated Outline, sets out a set of chapter-by-chapter recommendations for the proposed structure and contents in the updated Town Code. The sections and key subsections for each chapter are listed alongside a summary of the key changes suggested for the chapter and their rationale.

Part 4 contains four appendices. First, a set of comments from the community on a draft version of the Code Assessment, second, a section-by-section review of the current Town Code describes the contents of each current group of sections and ways that the language or structure could be improved in the project. Thirdly, we provide a brief survey of town codes from communities similar to Southern Shores, with special attention to code structure and interesting features of each that may be useful to the Town. Finally, we include the style set, including the fonts, text nesting, and numbering scheme proposed for use in the updated Town Code when drafting commences.



The Code Assessment is the framework for discussion about the input collected and resulting recommendations for revision to the Town Code. It is intended as a document for discussion and consideration. The ultimate decision about if and how the Town Code will be updated rests with the Town Council and their interpretation of the desires of Southern Shores residents.

## 2. SUMMARY OF INPUT

---

Collecting input from a wide range of sources is a key initial step in building a shared understanding of what parts of the code do and do not work as intended and determining which updates are needed and desired by code users and administrators.

This part of the Code Assessment describes the five main sources of input that inform this project.

First, we provide an overview of the Citizen Preference Survey administered in December 2015 and January 2016, which drew over 900 responses from Southern Shores residents and property owners. Following the completion of the survey, Town Council provided guidance on which topics to include in the Code Assessment. This guidance is described in section 2.1.

Section 2.2 describes the process of collecting comments and suggestions for code updates from ten key staff members who administer the code on a day-to-day basis.

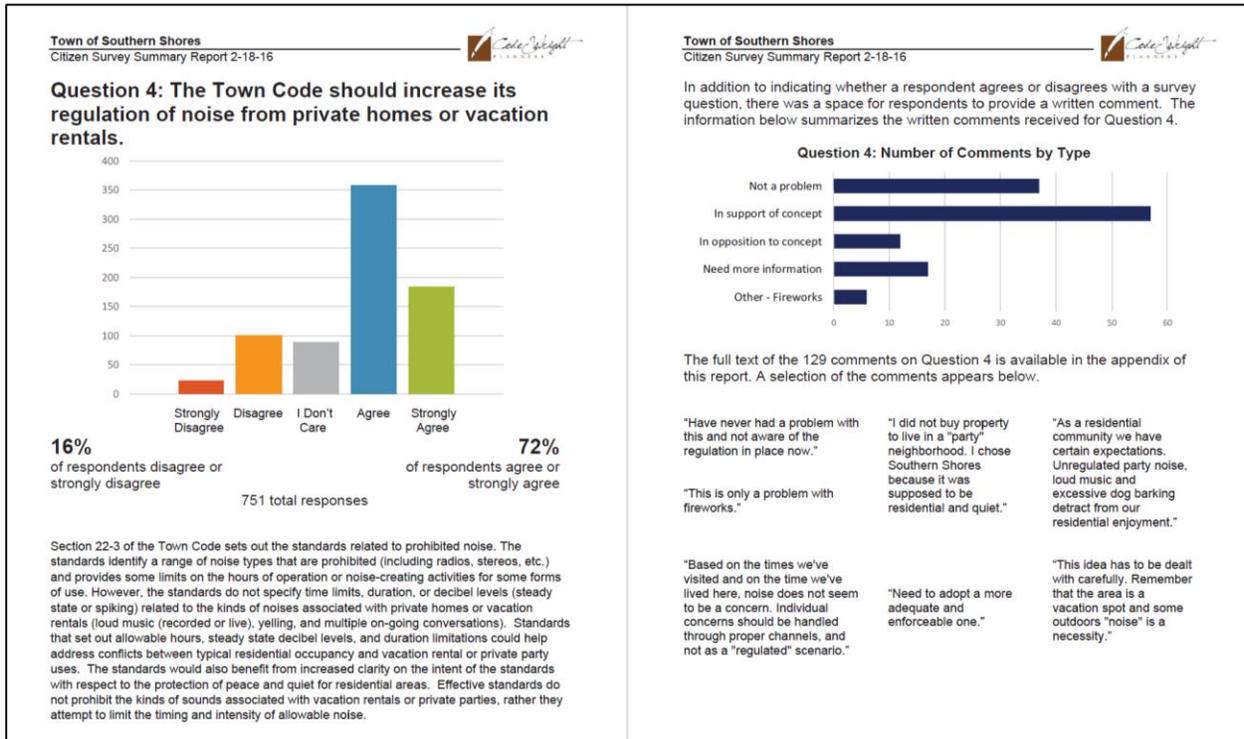
Section 2.3 provides a summary of key changes in state law that may affect the Town Code based on the consulting team’s review of North Carolina legislative actions between 2011 and 2015. Section 2.4 offers four technical changes from the consulting team based on our knowledge of national best practices and current code writing trends in communities similar to Southern Shores. This section describes proposed changes to the Town Code chapter structure, the page layout, the use of graphics, and the proposed consolidated definitions chapter.

The final component of this section is a summary matrix of input received, which organizes the comments and suggestions from all sources described by the code section to which they refer.



The Southern Shores oceanfront.





A sample of the data presented in the Citizen Survey Summary Report and at the Public Forum

Following the publication of the Citizen Survey Summary Report, the consulting team travelled to Southern Shores for a Public Forum to discuss the survey results, answer questions, and gather additional comments. The forum began with a gallery-style "Exhibition of Survey Results" during which participants could view poster-sized printouts of each survey question and a summary responses received. Each participant received two "dot" stickers at the door and were asked to place the dots on the questions they would most like to discuss in detail.

After the Public Forum, the consultant team attended a Town Council meeting to present the survey and public forum results to the Council and receive Council's direction on whether or not each survey topic should be further explored in the Code Assessment. Of the 15 substantive survey question topics, Council instructed the further exploration of eight topics. Council was also asked for direction on four additional topics that were not covered in the survey questions, but were discussed in comments to survey questions, at the public forum, or both. Of the four other issues explored, Council instructed the inclusion of three (parking associated with vacation homes, waste receptacle placement, and removal of policy statements from the code) in the Code Assessment.



Participants placing priority "dots" on survey topics at the Public Forum

## 2.2 STAFF COMMENTS

Another very important source of input is the Town staff. As the professionals who administer the Town Code on a day-to-day basis, staff members are a source of invaluable insight on what parts of the code are working and what changes should be made.

In the initiation phase of the Town Code Update Project, a group of key staff was asked to review the Town Code and provide comments on sections that they regularly work with. Staff provided the consulting team with over 60 pages of comments and suggestions for improvements to the code. Town staff also provided some example noise and lighting ordinances for review.

The process of collecting input from staff also provided a springboard for several in-depth phone conversations about particularly confusing or vague code portions. Staff comments are summarized in the input matrix.

The following staff members provided comments during this phase:

- Building Inspector
- Fire Chief
- Planning Board Chair
- Planning & Code Enforcement Department
- Police Chief
- Public Works Director
- Town Engineer
- Town Manager
- Town Planner
- Dare County Fire Marshal



Looking across Ginguite Creek towards Currituck Sound.

## **2.3 STATE LAW CHANGES**

This portion of the Code Assessment identifies relevant planning-related legislation from the General Assembly from 2011 through 2015. Many of these issues require revision to the current development regulations to ensure compliance with state law and recent court precedent. We recommend the updated Town Code incorporate changes to address these new laws.

### **2.3.1 BEDROOM AND DWELLING UNIT DEFINITIONS LIMITED**

---

Section 18 of Session Law 2015-1246 prohibits cities and counties from defining bedrooms and dwelling units more broadly in a zoning ordinance than in a rule or statute.

### **2.3.2 REGULATION OF PROPERTY IN THE PUBLIC TRUST AREA**

---

Session Law 2013-384 gives cities the ability to regulate, restrict, or prohibit the placement of equipment or property on the dry sand beach.

### **2.3.3 UNINHABITABLE HOUSES ON THE BEACH**

---

Session Law 2015-246 allows municipalities to take action with regards to uninhabitable houses on the beach that have been without water and sewer services for more than 120 days. Cities and counties may now define, prohibit, regulate, and abate such houses on ocean beaches.

### **2.3.4 EROSION CONTROL STRUCTURES**

---

Session Law 2015-241 makes allowances for increased use of temporary erosion control devices (such as sandbags). The act allows use of the devices not only by imminently threatened properties (as in the past) but also by adjacent properties. It extends the use of devices to the property boundary and allows for the removal date of the devices to be extended to the latest of permit expirations in the case that multiple permits apply to a property. The act also allows for up to six terminal groins on the coast, with the provision that one be located only at Bogue Inlet and another only at New River Inlet.

### **2.3.5 PROTEST PETITION REPEALED**

---

Session Law 2015-160 repeals the ability of citizens to file protest petitions on zoning map amendment applications.

### **2.3.6 RESIDENTIAL DESIGN STANDARD LIMITS**

---

Session Law 2015-86 prohibits local governments from applying some design standards to 1- and 2-family dwellings (including attached residential or townhouses) without the owner's consent. Limitations include room location/purpose, door and window placement (include garage doors), exterior color/materials, and nonstructural architectural ornamentation. These limitations are not extended to manufactured housing, which may continue to be regulated regarding appearance.

### **2.3.7 REVISIONS TO PERFORMANCE GUARANTEES**

---

Session Law 2015-187 limits the ability of local governments to require maintenance guarantees under the subdivision provisions (though such authority still exists for some public facilities under the stormwater and enterprise statutes). The law now allows the applicant to choose the form of performance guarantee they will offer, and the amount is capped at 125 percent of the cost. Local governments must allow an extension of an agreement if good progress is demonstrated by the term is expiring.

### **2.3.8 BOA VOTING RULES**

---

Session Law 2013-126 made several changes to the rules of procedure for Boards of Adjustment, including new mailed and posted notice provisions for quasi-judicial hearings;

requirements for decisions to be made in writing and delivered to parties with standing; and revised voting requirements from a 4/5 majority to a simple majority for appeals, conditional, and special use permits.

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### **2.3.9 COMPREHENSIVE PLAN CONSISTENCY REQUIREMENTS**

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While not a recent statutory change, the state planning statutes (160A-383, 387 & 153A-341, 344) require local government to adopt statements of comprehensive plan consistency associated with map and text amendments. Decisions are not required to be consistent with the comprehensive plan, but must explain the public interest associated with the decision.

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### **2.3.10 NEW WIRELESS TELECOMMUNICATIONS FACILITIES STANDARDS**

---

Session Law 2013-185 requires local governments to issue decisions regarding applications for all wireless communication facility collocation requests within 45 days. It also requires local governments to approve equipment replacement and collocation requests that constitute minor modifications, including requests that add up to 10% to an existing tower's height, up to 20 feet in width to the base of a tower, or less than 2,500 square feet to the equipment compound area.

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### **2.3.11 PERMIT CHOICE REQUIREMENTS**

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Session Law 2015-246 allows an applicant with a pending development review application to choose which set of requirements their application is reviewed under if the regulatory requirements change between the time of application submittal and decision.

---

### **2.3.12 WETLANDS MITIGATION LIMITS**

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Session Law 2015-286 limits the application of wetland mitigation requirements to all instances of isolated wetlands except Basin Wetlands and Bogs (precluding man-made ditches and ponds).

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### **2.3.13 STORMWATER CALCULATIONS**

---

Session Law 2015-286 specifies that the calculation of the pre- and post-development runoff anticipated during a one-year 24-hour storm may be calculated using any acceptable engineering hydrological and hydraulic method. The law also allows development within a required buffer provided the stormwater is collected, treated, and discharged in a manner so that it passes through the buffer.

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### **2.3.14 TEMPORARY HEALTH CARE STRUCTURES ALLOWED**

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Session Law 2014-94 requires that temporary health care structures (temporary accessory dwelling units that house a physically or mentally impaired person who is being cared for by a resident of the primary residence; also known as "granny pods") must be allowed as uses accessory to single-family detached homes, so long as they meet state requirements.

---

### **2.3.15 WITHHOLDING PERMITS ILLEGAL**

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Session Law 2015-187 states that a local government may not withhold a building permit or certificate of occupancy on one lot to compel the owner of that lot to address compliance on a different lot owned by the same person.

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### **2.3.16 ALLOWANCE FOR BEE KEEPING**

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Session Law 2015-246 limits local governments from prohibiting bee keeping of five or fewer hives.

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### **2.3.17 LIMITATIONS ON STANDARDS FOR PRODUCE STANDS**

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Session Law 2012-187 exempts farm produce stands of less than 1,000 square feet, open less than 180 days per year, and certified by the state as a roadside farm market from state building code requirements.

### **2.3.18 NOTICE OF ZONING VIOLATION**

---

Session Law 2013-151 allows local governments to notify chronic violators by regular mail in addition to registered or certified mail, and removes the requirement that certified mail must be accepted.

### **2.3.19 OVERGROWN VEGETATION REMEDY**

---

Session Law 2015-246 allows local governments who provide notice of violation by certified or registered mail to a chronic violator of overgrown vegetation laws to remedy the vegetation issues without further notice and apply a lien to the property to recover the costs of the remedy.

### **2.3.20 SIDEWALK DINING**

---

Session Law 2013-266 allows local governments to enter into agreements with the NCDOT to allow sidewalk dining within state road rights-of-way, provided: the roadway design speed is 45 miles per hour or lower, a sidewalk is present, and provided the furniture is at least six linear feet from a travel lane.

### **2.3.21 DEVELOPMENT AGREEMENTS**

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Session Law 2015-246 removes the minimum area and maximum duration limitations on development agreements.

### **2.3.22 CONSTRUCTION FENCE SIGNS**

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Session Law 2015-246 exempts construction site fence signage from local zoning rules until the certificate of occupancy is issued or 24 months passes.

### **2.3.23 EXPANSION OF BUILDING CODE EXEMPTION**

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Session Law 2015-145 expands the threshold of work on a single-family home or farm building that is exempted from the requirement to obtain a building permit from \$5,000 to \$15,000. In addition, construction plans for commercial buildings with a total value of \$90,000 or less and with a footprint of less than 2,500 square feet are no longer required to be sealed by a professional architect.

### **2.3.24 ADDITIONAL NOTE**

---

Session Law 2015-286 directs the Department of Insurance and the Building Code Council to study how flood elevations and building heights are established and measured in coastal regions. It is anticipated that a more uniform approach in height measurement may be established.

## 2.4 TECHNICAL CHANGES

Technical changes are suggestions provided by the consulting team that deal with the organization and layout of the town code. There are four main recommendations listed in the following subsections.

### 2.4.1 Chapter Structure

Currently, the Town Code’s chapters are organized alphabetically. While this is an organizing scheme that works for some parts of a Town Code, such as the procedures, several staff members commented that like chapters should be located closer together. In particular, the chapters regulating buildings, zoning, businesses, subdivisions, and flood damage prevention should be located near one another.

We suggest the chapters of the updated Town Code be reorganized to follow a more intuitive topic-based structure. Table 2.4.1 below shows a proposed structure, as well as the current structure, which has been color coded for easy reference. The numbering system in the proposed code allows for subsequent chapter insertions as is done in the current code.

**TABLE 2.4.1: CURRENT AND PROPOSED TOWN CODE CHAPTER STRUCTURE**

<b>CURRENT Town Code Chapter Structure</b>	<b>PROPOSED Town Code Chapter Structure</b>
1. General Provisions	1. General Provisions
2. Administration	2. Administration
4. Animals	4. Definitions [NEW]
6. Buildings and Building Regulations	6. Fire Prevention and Protection
8. Businesses and Business Regulations	8. Motor Vehicles and Traffic
10. Cemeteries	10. Emergency Management
12. Emergency Management	12. Solid Waste
14. Fire Prevention and Protection	14. Wastewater
16. Flood Damage Prevention	16. Cable Television [NEW]
18. Law Enforcement	18. Streets, Sidewalks, and Other Public Property
20. Motor Vehicles and Traffic	20. Buildings and Building Regulations
22. Offenses and Miscellaneous Provisions	22. Zoning
24. Planning [deleted]	24. Businesses and Business Regulations
26. Solid Waste	26. Subdivisions
28. Streets, Sidewalks, and Other Public Property	28. Flood Damage Prevention
30. Subdivisions	30. Waterways and Beaches
32. Utilities	32. Cemeteries
34. Waterways and Beaches	34. Animals
36. Zoning	36. Offenses and Enforcement

The proposed chapter structure includes two new chapters: Chapter 4, Definitions, is proposed as a location for a consolidated set of definitions currently located throughout the code. Chapter 18, Cable Television, is simply a more intuitive relocation of Article II from current Chapter 8, Businesses and Business Regulations.

Similarly, current Chapter 32, Utilities, has been renamed Wastewater, as it deals only with wastewater utilities and thus has too vague a chapter name. Current Chapter 18, Law Enforcement is comprised on powers and duties material, Town policy-related provisions, and auxiliary police for-related provisions. As such this chapter is proposed for removal and absorption into new Chapter 2. Current Chapter 24, Planning, is also suggested for deletion. It contains three major topics, all of which should be relocated to other chapters in the updated structure: the information on the Town’s extra-territorial jurisdiction should be in the Zoning chapter; the information establishing the Planning Board should be in the Administration chapter; and regulations on property numbering can be located with Buildings and Building Regulations.

A final adjustment is the renaming of current Chapter 22, Offenses and Miscellaneous Provisions. We suggest calling this chapter Offenses and Enforcement, and locating within it all enforcement-related information in the code. The annotated outline in Part 3 of this Code Assessment provides more detailed information on the proposed chapter structure and contents.

#### **2.4.2 Page Layout**

---

There are a number of formatting and related suggestions that can be applied to Town Code text that will make it easier to use. Modern page layouts include formatting that shows text relationships (through indentation and bolding), use of graphics, and “guideposts” for navigation in the form of dynamic headers. Regulations are organized into short, numbered provisions, and supplemented with graphics wherever possible. We suggest the updated Town Code take advantage of the kinds of improvements shown in Figure 2.4.2, Modern Page Layout.

FIGURE 2.4.2, MODERN PAGE LAYOUT

**Dynamic Headers**

**White Space**

**Footers**

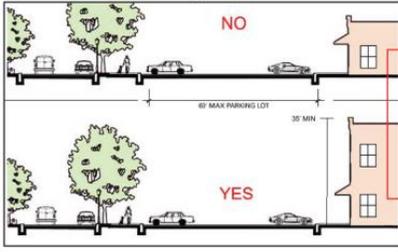
**Figure Captions**

**Nested Text with headings and sub-headings**

**Illustrations of text provisions**

**CHAPTER 5: DEVELOPMENT STANDARDS**  
Section 5.3: Building and Site Design Standards  
Subsection: 5.3.6: Nonresidential and Mixed-Use Development  
(11) Large-Scale Development

(ii) **Minimum Building Height**  
In cases where any off-street surface parking is located between the primary building façade and the street it fronts, the minimum building height shall be at least three stories.



**Figure 5-47:** This image depicts how buildings in conventional areas may locate off-street parking in the area between the building's façade and the street it fronts, provided the building is three stories in height or greater.

(11) **Large-Scale Development**  
Developments composed of one or more structures engaged in retail or wholesale sales each exceeding 20,000 square feet, or developments with a single large commercial establishment exceeding 20,000 square feet and one or more smaller additional structures shall comply with the standards in this subsection as well as the following:

(a) **Liner Buildings**

(i) A series of smaller "liner buildings" shall be positioned along the primary façade of the large structure to break up the structure's mass.

(ii) As an alternative to liner buildings, the primary façade of a large-scale development structure can be designed to appear as multiple small storefronts, except that individual doorways shall not be required.



**Figure 5-48:** The mass of large-scale development can be made more human-scaled and pedestrian-friendly through the use of techniques like liner buildings or architecture replicating liner buildings as depicted here.

City of Franklin, Tennessee | Zoning Ordinance Page 5-48

Figure 2.4.2 identifies some of the page layout elements found in modern codes. These features help readers better understand how individual pieces of text relate to one another while also allowing them to easily navigate the document. While most pages in the Town Code will likely not include this level of illustration, some pages will include them, along with captions.

### 2.4.3 Illustrations and Graphics

One key way to make a code user-friendly is through illustrations and graphics. The old adage “a picture is worth 1,000 words” is certainly true when talking about communicating complex regulations. Illustrations, graphics, and diagrams are also very helpful in town codes because they convey information concisely and in many instances more clearly, eliminating the need for lengthy, repetitive text.



The current code includes very little in the way of graphics. We recommend increasing the number and type of graphics throughout the document to help illustrate preferred design concepts, such as parking space dimensions, parking lot landscaping and other screening requirements. We also suggest the new code be supplemented with photographs demonstrating both preferred and discouraged development forms and patterns. Side-by-side comparisons of preferred and discouraged examples help illustrate the intent of the regulations and make the code more user-friendly.

Based on our experience in other communities, we have found summary tables are very helpful in presenting information succinctly and eliminating repetition and inconsistent terminology. For example, a summary use table not only reduces the number of pages required to convey the same information, it allows a user to quickly compare how a certain use is treated in different districts. Cross-references in summary tables may also be used to direct a user to supplemental regulations that apply to specific uses.

While the current code includes tables for some standards, such as lighting (section 36.166.c), the permitted uses are not currently listed in table form. There are also other standards that would benefit from conversion to tabular form, including the zoning district dimensional requirements, parking standards, and landscaping standards.

Flow charts add clarity to specific procedural requirements and time lines, as well as explain the interrelationships between procedures. There are no flow charts in the existing ordinance. Flow charts are becoming commonplace in modern development regulations because of their power to convey sequential relationships.

**TABLE <>: TABLE OF ALLOWED USES**  
 P = PERMITTED S = SPECIAL EXCEPTION A = ALLOWED IN PD DISTRICT BLANK CELL = PROHIBITED

USE CATEGORY	USE TYPE	ZONING DISTRICT									ADDITIONAL STANDARDS		
		RESIDENTIAL			NONRESIDENTIAL					PLANNED DEVELOPMENT			
		RSF	RTF	RMF	DC	RC	M C	C C	CN	PD-R		PD-C	
<b>RESIDENTIAL USE CLASSIFICATION</b>													
Household Living	Multi-family Dwelling			P		P		P			A	A	164.03-01(A)(1)
	Single-family Dwelling	P	P	P	P	P	P	P			A	A	166.05-02
	Two-family Dwelling		P	P	S	P	P	P			A	A	164.03-01(A)(2)
	Townhouse			P	P	P		P			A	A	166.05-03
	Residential unit over nonresidential use			P	P	P	P	P			A	A	
Group Living	Family Day Care Home	P	P	P		P	P	P			A	A	164.03-01(B)(1)
	Group Day Care Home	P	P	P		P	P	P			A	A	164.03-01(B)(2)
	Rooming House			P		P		P			A		164.03-01(B)(3)
<b>INSTITUTIONAL USE CLASSIFICATION</b>													
Schools	School, Private	P	P	P	P		P	P			A	A	
	School, Public	P	P	P	P		P	P			A	A	

An example of a procedures flow chart that quickly and easily conveys each step in a given procedure.

Summary use tables, like this one, are an easy way to present provisions that allow users to quickly see what uses are and are not allowed in each district, and to reference additional use standards that may apply.

## 2.4.1 Definitions

---

Definitions are an important part of a set of a Town Code as they provide insight and understanding as to what is meant (or not meant) by particular standards. Well-crafted definitions are comprehensive, recognize differing meanings in different contexts (if applicable), do not include standards (as these may be missed by a reader), and are drafted in short, easy-to-follow sentences.

The current Town Code contains a fairly comprehensive set of definitions, rules of measurement, and abbreviation keys. The main problem with the way the current code deals with definitions is that it locates them in nearly every chapter, and the location of definitions within a chapter is not consistent. Many definitions sections appear at the beginning of a chapter, but others are sprinkled throughout chapter text, sometimes with multiple sections or subsections titled “Definitions” within the same chapter (as is the case in the current Zoning chapter, which has definitions in sections 36.57, 36.173, 36.175, 36.176, and 36.471). This inconsistency makes it difficult for a code user to navigate from chapter to chapter and increases the likelihood that a definition will be overlooked.

Placing definitions in each code chapter also opens the way for inconsistencies to arise when repeated definitions are updated in one location but not in others. For example, current section 14.65 defines *beach* as “that land between the mean low ocean water mark and the primary dunes (the dunes closest to the ocean).” In section 34.55, *beach* has a far more technical definition: “lands consisting of unconsolidated soil materials that extend for a distance of 100 yards east of the mean low water mark into the Atlantic Ocean landward to a point where either the growth of stable natural vegetation occurs or a distinct change in slope or elevation alters the configuration, whichever is farther landward.”

While the definitions sections in individual chapters do state that the definitions apply only to the provisions within the chapter in which they appear, this repetition still creates the potential for confusion arising from inconsistencies in code text. We suggest the consolidated set of definitions contain language that applies throughout the code and that in cases where definitions are regulation-specific (such as in the case of the flood damage prevention provisions), the definition include language tying it to particular chapter(s) it refers to

The current Town Code also contains some instances of unnecessary definitions. For example, section 32.1 defines *Approving authority* simply as the Town Council. This not only makes the code text more difficult to read, as a user has to flip back and forth from the text to the definitions to understand the regulations, but could also lead to confusion if the term “approving authority” is used elsewhere to refer to a different decision-making body. To make the code more user-friendly, we suggest the removal of these “placeholder” definitions in favor of simply stating Town Council within the appropriate code sections.

We suggest the new definitions chapter contain subsections for text definitions, rules of measurement, language construction, and a table of abbreviations. We suggest the inclusion of graphics or illustrations in cases where they would aid code users in understanding or applying definitions or rules of measurement.

## 2.5 INPUT SUMMARY MATRIX

The following table provides a summary of all the input received through the Citizen Survey and Town Council comments, staff comments, state law changes, and technical changes suggested by the consulting team. Each comment is numbered, includes the relevant code section it relates to, as well as the source of the comment. This information was used as the basis for the recommendations included in Part 3, Annotated Outline. Text that is shown in orange color denotes suggested changes that are more than technical corrections. They are proposed to ensure better consistency with current Town practice, comply with state law changes, or promote ease-of-use for the code reader. While this code update is primarily a technical correction and clarification exercise, the consulting team suggests the changes shown in orange also be considered as part of the re-write.

Comment #	Current Code Section	<b>Input Summary Matrix</b> Orange text indicates policy change for consideration.	Source				
			Citizen Survey	Town Council Comments	State Law Changes	Staff Comments	Technical Changes
<b>Universal</b>							
0.1	Universal	Revise inconsistencies in code structure: location of references, format of section titles, references to County, State, and Federal codes.				●	●
0.2	Universal	Consolidate definitions and make location consistent across chapters.				●	●
0.3	Universal	Remove repetitive or conflicting definitions.				●	●
0.4	Universal	Reorganize chapter structure so that related chapters are near each other.				●	
0.5	Universal	Integrate searchability into the code.				●	
0.6	Universal	Incorporate a new page layout with nested text for easier navigation through code sections.					●
0.7	Universal	Add graphics to measurements and standards for ease of use.					●
0.8	Universal	Add summary tables where possible to replace or supplement long blocks of text.					●
0.9	Universal	Remove policy statements from code text.	●	●			●
<b>Chapter 1. General Provisions</b>							
1.1	1.10 – 1.11	Replace with references to NCGS §160A-77 and §160A-78.				●	
<b>Chapter 2. Administration</b>							
2.1	2.43 – 2.46	Replace with reference to NCGS §160A-265				●	
<b>Chapter 4. Animals</b>							

Comment #	Current Code Section	Input Summary Matrix Orange text indicates policy change for consideration.	Source				
			Citizen Survey	Town Council Comments	State Law Changes	Staff Comments	Technical Changes
4.1	-	Add language to allow beekeeping per NCGS Session Law 2015-246.			●		
4.2	4.22	Consider repeal of adoption by reference of County ordinance on animals and fowl.				●	
<b>Chapter 6. Buildings and Building Regulations</b>							
6.1	6.3	Add exception of the Fire Code to the adoption of state building codes.				●	
6.2	6.5	Remove the requirement for a building permit for fences.				●	
6.3	6.5.4	Delete reference to “plat” as an alternative to submitting a survey as part of a building permit application. Add reference to Section 36.299, establishing site plan requirements, which are the same as building permit survey requirements.				●	
6.4	6.6.a	Update language to reference NCGS §160A-412(b) instead of the current text reading “any applicable state...laws.”				●	
<b>Chapter 8. Businesses and Business Regulations</b>							
8.1	8.1	Update and modernize Article I, which covers solicitor’s permits.				●	
8.2	8.26	Consider removal of final sentence allowing grantees to seek reimbursement for removal or replacement of public utilities.				●	
8.3	8.28.b	Revise for consistency with departmental practice, which does not require detailed strand or trench maps.				●	
<b>Chapter 10. Cemeteries</b>							
10.1	10.1.a	Revise reference to “Kitty Hawk Land Company” and “Outer Banks Recreation Association” to instead reference plat number of property.				●	
10.2	10.1.c	Remove first sentence which states policy of funding cemetery activities through sale of lots. Remove policy from code.				●	
<b>Chapter 12. Emergency Management</b>							
12.1	12.2	Add reference to the Town’s Emergency Management Plan.				●	
12.2	12.35 – 12.45	Add language that clarifies that the powers listed in these sections are active in the case of a state of emergency only.				●	
12.3	12.69.c.5	Revise “Chicahauk Civic Association” to read “Chicahauk Property Owners’ Association.”				●	

Comment #	Current Code Section	Input Summary Matrix Orange text indicates policy change for consideration.	Source				
			Citizen Survey	Town Council Comments	State Law Changes	Staff Comments	Technical Changes
<b>Chapter 14. Fire Prevention and Protection</b>							
14.1	14.2	Add language empowering the fire department and fire marshal, as appropriate.				●	
14.2	14.4.a	Appears to relate to burglar alarms, not fire alarms; suggest revision for applicability to fire alarms.				●	
14.3	14.4.b	Add reference to the NC Fire Code.				●	
14.4	14.4.c	Add clarifying language requiring servicing and maintenance of alarms.				●	
14.5	14.4.d	Consider adding a fee or penalty for frequent false alarms.				●	
14.6	14.5	Reference Rating System of the Office of the State Fire Marshal.				●	
14.7	14.28	Adopt the NC State Fire Prevention Code by reference.				●	
14.8	14.33.a.3	Update state law references.				●	
14.9	14.33.d	Clarify exceptions to the prohibition of flammable liquid storage.				●	
14.10	14.34	Add clarifying language requiring fire lane marking.				●	
14.11	14.35.d	Clarify requirements for fire inspections.				●	
14.12	14.37.a	Clarify which buildings and premises require fire protection systems – inclusion of uses or building types not required by the Fire Code to include extinguishers or extinguishing systems should be removed				●	
14.13	14.37.c	Add clarifying language to broaden the requirement for fire hydrants.				●	
14.14	14.68.1	Clarify that only natural vegetation, not refuse and scrap lumber, may be burned.				●	
14.15	14.68.4	Change minimum age for attending a fire from 14 to 18.				●	
14.16	14.68.9	Remove for internal consistency.				●	
14.17	14.70.c	Revise to reflect departmental practice of issuing permits over the phone.				●	
<b>Chapter 16. Flood Damage Prevention</b>							
16.1	-	Remove regulatory obstacles to moving homes away from the advancing high tide line on deeper oceanfront lots.	●	●			

Comment #	Current Code Section	Input Summary Matrix Orange text indicates policy change for consideration.	Source				
			Citizen Survey	Town Council Comments	State Law Changes	Staff Comments	Technical Changes
<b>Chapter 18. Law Enforcement</b>							
18.1	18.6	Replace section with reference to NCGS §15A 401(1)(2).				●	
18.2	18.7	Remove section – refers to departmental policy.				●	
18.3	18.39 – 18.47	Remove all material related to auxiliary police.				●	
<b>Chapter 20. Motor Vehicles and Traffic</b>							
20.1	20.1	Amend definition of “police officer” to include the word “sworn.”				●	
20.2	20.2.a.6	Remove section to reflect current departmental policy.				●	
20.3	20.3 – 20.8	Eliminate sections which duplicate state laws.				●	●
20.4	20.11.a – b	Add exception allowing law enforcement and public works to operate LSVs, ATVs, & UTVs on streets, paths, and multipurpose pathways.				●	
20.5	20.11.c	Revise provision to allow use of skates, scooters, etc. on sidewalks or vehicular areas of shopping centers with permission of property owner.				●	
20.6	20.71.a	Revise to reflect current practice: only traffic signals and stop signs are shown on maps.				●	
20.7	20.109	Revise title to better describe section contents.				●	●
20.8	20.109	Add exception for law enforcement, ocean rescue, public works, and fire department vehicles allowed to drive or land aircraft on beaches.				●	
20.9	20.145	Add prohibition of buildings/landscaping within fire lanes, near fire sprinklers, or standpipe fire department connections.				●	
20.10	20.146.b	Remove single reference to specific street’s parking prohibitions.				●	
20.11	20.201	Remove references to Traffic Violations Bureau, which is no longer active. The Town Clerk handles all fees.				●	
<b>Chapter 22. Offenses and Miscellaneous Provisions</b>							
22.1	-	Add missing definitions, ie “loud” sounds.				●	
22.2	-	Revise chapter title to be more descriptive of contents.					●

Comment #	Current Code Section	Input Summary Matrix Orange text indicates policy change for consideration.	Source				
			Citizen Survey	Town Council Comments	State Law Changes	Staff Comments	Technical Changes
22.3	22.3	Revise noise policy in accordance with other nearby jurisdictions; Police Chief recommends Kill Devil Hills as a model.				●	
22.4	22.3	Add noise standards and limitations for noise from private homes or vacation rentals.	●	●			
22.5	22.4.a	Clarify definitions of “fireworks” prohibited per NC state law; add language prohibiting Chinese lanterns which use a flame. Ensure language is consistent with signage at town limits.				●	
22.6	22.4.a.2	Remove allowance for shooting contests. Ensure that code language allows for historical reenactments.				●	
22.7	22.4.b – c	Add the word “unconcealed” in addition to “concealed.”				●	
22.8	22.8	Consolidate with section 36-165.				●	
22.9	22.39.12.a	Revise required distance of structure, landscaping, etc. from a fire hydrant to 18 inches in height in order to accommodate length of standard hydrant wrench.				●	
<b>Chapter 24. Planning</b>							
-	-	-					
<b>Chapter 26. Solid Waste</b>							
26.1	-	Revise chapter to remove instances of repetitive language.				●	
26.2	-	Revise sections to reference town rather than county responsibility.				●	
26.3	26.3	Add language clarifying that the Town does not pick up construction debris.				●	
26.4	26.4	Consider revision or strengthening of waste receptacle placement rules for single-family homes.	●	●			
26.5	26.5.a	Revise first sentence to require placement "in accordance with policy of the Collector" and repeal of last two sentences. Combine with 26.12.				●	
26.6	26.5.b	Remove section requiring removal of waste receptacles from the public right of way within 24 hours; repeal for lack of enforceability.				●	
26.7	26.5.d	Revise to refer to “Town service provider” instead of County.				●	
26.8	26.7	Repeal section to remove policy from code.				●	●
26.9	26.12	Consolidate with Section 26.5.a.				●	

Comment #	Current Code Section	Input Summary Matrix Orange text indicates policy change for consideration.	Source				
			Citizen Survey	Town Council Comments	State Law Changes	Staff Comments	Technical Changes
26.10	26.12.e	Revise language to reflect accurate details of the Town's limb and branch removal program.				●	
26.11	26.13	Revise to clarify that private owners are not required to maintain or remove litter from the public right-of-way.				●	
26.12	26.16	Remove section for redundancy; combine sections 26.15 and 26.17.				●	
26.13	26.19.a.1	Remove reference to aluminum cans specifically.				●	
26.14	26.21	Review for best practices to determine purpose and intent.				●	
<b>Chapter 28. Streets, Sidewalks, and Other Public Property</b>							
28.1	28.1	Relocate to Chapter 12.				●	
28.2	28.1.a	Add definition of "vapor."				●	
28.3	28.1.b	Add prohibition of using vapor mechanisms.				●	
28.4	28.3	Add language allowing the Town Manager to delegate to a designee in the Police Department in the encroachment agreement section.				●	
28.5	28.3.1	Clarify the construction encroachment agreement to reflect applicability to the edge of pavement.				●	
28.6	28.6	Clarify whether costs are the responsibility of the tax collector or the Town.				●	
<b>Chapter 30. Subdivisions</b>							
30.1	-	Organization and presentation of subdivision procedures is very confusing and needs general revision for clarity.				●	
30.2	-	Update references to methodology - remove requirements for sepia, India ink, etc.				●	
30.3	30.7	Revise section for best practices and to reflect that the Planning Board/Board of Adjustment issues variances, not the Town Council as stated in this section of the code.				●	
30.4	30.76.1	Remove description of required base course for roadways. Clarify "properly drained" standards.				●	
30.5	Article II	Remove Town Council and Planning Board review of preliminary and final plats for minor subdivisions (number of lots to be determined). Add language to allow administrative review and approval of minor subdivisions.				●	
30.6	30.125.1 2	Final plat procedure should provide the exact text required for certification.				●	

Comment #	Current Code Section	Input Summary Matrix Orange text indicates policy change for consideration.	Source				
			Citizen Survey	Town Council Comments	State Law Changes	Staff Comments	Technical Changes
<b>Chapter 32. Utilities</b>							
32.1	32.1	Revise to reflect NC DEQ responsibility, rather than DHR.				●	
32.2	32.4	Reword last sentence to say "may request" instead of "may retain."				●	
32.3	32.69	Consider removal of section as NC DENR monitors the wastewater system.				●	
<b>Chapter 34. Waterways and Beaches</b>							
34.1	34.53.a	Revise for consistency with Town practice - confirm whether or not radio announcements are made.				●	
34.2	34.53.c	Confirm whether or not postings in rental properties are required or enforced. Remove if unenforceable.				●	
34.3	Article IV	Remove section and replace with references to CAMA/DCM regulations.				●	●
<b>Chapter 36. Zoning</b>							
36.1	-	Clarify rules of measurement, including measure of lot width at building setback line; definition of "yard" in lieu of "setback" in some cases; side and rear setback definitions. Clarify size requirements for parking spaces.				●	
36.2	-	Address the exclusion of manufactured housing from the ordinance in light of NCGS legislation. Clarify definitions of mobile and modular homes.		●		●	
36.3	-	Consider revising height measurement definitions (rules of measurement).	●	●			
36.4	-	Consider removal of gravel driveways from lot coverage.		●			
36.5	-	Ensure compliance with NCGS SL 2015-86, which prohibits local governments from applying design standards to single family homes.			●		
36.6	-	Ensure compliance with SL 2013-126 with regards to BOA voting rules.			●		
36.7	-	Ensure compliance with SL 2015-187 which revises the rules for performance guarantees.			●		
36.8	-	Ensure compliance with SL 2013-185, new wireless telecommunications standards.			●		
36.9	-	Ensure compliance with SL 2015-246, limitations on riparian buffer requirements.			●		
36.10	-	Add language allowing temporary healthcare structures to ensure compliance with SL 2014-94.			●		

Comment #	Current Code Section	Input Summary Matrix Orange text indicates policy change for consideration.	Source				
			Citizen Survey	Town Council Comments	State Law Changes	Staff Comments	Technical Changes
36.11	-	Add provisions for tree removal as part of construction on private property.	●	●			
36.12	Article VI	Add a parking table to more easily convey requirements.				●	●
36.13	Article VI	Remove references to specific asphalt material mixes, as they are not appropriate in all settings.				●	
36.14	Article VII	Remove all references to number of bedrooms as a regulatory standard for single family homes.			●	●	
36.15	Article XIV	Bring section into compliance with recent legislation regarding protest petitions.			●	●	
36.16	Article XVI	Hurricane and Storm Reconstruction and Redevelopment article needs general update for outdated CAMA information, outdated language, and antiquated use standards for ocean hazard areas.				●	●
36.17	36.57	Consider revision of lot coverage definition/rules of measurement for single family homes.	●	●			
36.18	36.95	Clarify that lots that do not abut a street or right-of-way can still get a building permit so long as they have access via an easement.				●	
36.19	36.99.1	Clarify that ocean dune platforms cannot exceed minimum dimensions set forth in the state building code.				●	
36.20	36.99.3.b	Add definition of sunshade.				●	
36.21	36.163.1	Consider allowing shared parking for commercial lots.				●	
36.22	36.163.1.m	Remove provision limiting driveways to two aprons or flares.				●	
36.23	36.163.3	Add standards or limitations on parking in residential areas to limit large numbers of cars at rental homes.	●	●			
36.24	36.165	Bring sign code into compliance with US Supreme Court decision in Reed v. Town of Gilbert.			●	●	●
36.25	36.171	Add language addressing stormwater runoff from private property that flows into streets.	●	●			
36.26	36.171	Add language addressing stormwater runoff that flows between private yards from one property to another.	●	●			
36.27	36.173	Revise buffer requirements for internal consistency.				●	
36.28	36.175.f	Consider removal of requirement for annual review of wireless telecommunication-related permits due to workload management.				●	●
36.29	36.202 – 36.208	Relocate permitted, conditional, and prohibited uses into a summary use table.					●

Comment #	Current Code Section	<b>Input Summary Matrix</b> <i>Orange text indicates policy change for consideration.</i>	Source				
			Citizen Survey	Town Council Comments	State Law Changes	Staff Comments	Technical Changes
36.30	36.202 – 36.208	Better distinguish between principal and accessory uses; add an accessory use summary table.					●
36.31	36.202 – 36.208	State use standards once rather than in each zoning districts.					●
36.32	36.202 – 36.208	Add summary tables and illustrations of dimensional standards for each district.					●
36.33	36.202-36.208	<i>Add design standards for new or updated commercial development.</i>	●	●			
36.34	36.299.a.3	Remove requirement for building permit for concrete driveway.				●	



Many of the older beach cottages in Southern Shores are single-story structures built on grade with flat roofs.

# 3. ANNOTATED OUTLINE

Part 3 of this Code Assessment sets out a proposed structure for the updated Town Code based on the concerns and recommendations described in previous parts of the document. These are simply recommendations for the updated code structure based on input received through the citizen survey, Town Council direction, and staff comments, combined with technical changes and legal sufficiency provisions provided by the consulting team. The Town is in no way obliged to follow any of these structural recommendations; the code can just as easily follow an alternative structure that differs from the one proposed here. This is provided as a starting point for subsequent discussion. In addition to the revised text and structure, the updated code will include a summary table of contents at the beginning of the document, chapter-based tables of contents, and an index at the back of the document.

## 3.1 CHAPTER 1 GENERAL PROVISIONS

- 3.1.1 Title
- 3.1.2 Purpose and Intent
- 3.1.3 Applicability
- 3.1.4 Rules of Language Construction
- 3.1.5 Continuation
- 3.1.6 Catchlines and References
- 3.1.7 Repeal or Expiration
- 3.1.8 Amendments
- 3.1.9 Supplementation
- 3.1.10 Ordinances not Affected by Code
- 3.1.11 Ordinance Templates
- 3.1.12 Severability

<b>PROPOSED Town Code Chapter Structure</b>	
1. General Provisions	
2. Administration	
4. Definitions [NEW]	
6. Fire Prevention and Protection	
8. Motor Vehicles and Traffic	
10. Emergency Management	
12. Solid Waste	
14. Wastewater	
16. Cable Television [NEW]	
18. Streets, Sidewalks, and Other Public Property	
20. Buildings and Building Regulations	
22. Zoning	
24. Businesses and Business Regulations	
26. Subdivisions	
28. Flood Damage Prevention	
30. Waterways and Beaches	
32. Cemeteries	
34. Animals	
36. Offenses and Enforcement	

Chapter 1 of the current Town Code describes the document's title, sets out the general rules of language construction used in the Town Code, describes the impact of the Town Code on other ordinances, describes how amendments to the Town Code must take place, and includes a general set of procedures related to violations of the Town Code. We suggest the majority of these important provisions be carried forward in the new Chapter 1 of the updated Town Code. However, we also suggest that some provisions, such as some of the definitions in Section 1-2 and provisions related to violations in Section 1-6, be relocated to new consolidated chapters on definitions (new Chapter 4) and enforcement (new Chapter 36). We also suggest some minor revisions to the sequence of the Chapter 1 provisions to make their flow more intuitive. Where possible, we suggest the current language be:

- Revised to include updated references to the North Carolina General Statutes;
- Clarified through more precise and consistent language; and
- Organized into summary table form, where appropriate, to aid in comprehension.

Chapter 2, Administration, of the current Town Code includes a series of provisions related to the appointment and powers and duties of the Town Manager. It also includes procedures for the disposal of surplus property by the Town Manager. Interestingly, while the chapter is titled “Administration”, it includes no information or references to the Town Council, other Town officials, or the Planning Board.

One of the main objectives for the Town Code update is removal of language or provisions that repeat statutory language in favor of simple references. This reduces the bulk of the code document and helps limit inconsistencies between the Town Code and the General Statutes as state laws are modified over time.

As a result, we suggest the updated Chapter 2 include references to the Town Charter with respect to the composition, powers and duties, and rules of operation for the Town Council. Likewise, listing of the Town Manager’s powers and duties are proposed to be replaced with references to the applicable language in General Statutes (including 160A-148 and 160A-266 related to disposal of property).

We suggest that in addition to the Town Manager, references be included for the Town Clerk (160A-171) and the Town Attorney (160A-173). While there are similar references to the Fire Chief (160A-292) and Police Chief, we suggest that these sections be supplemented by some of the powers and duties specified in Chapters 14 and 18 of the current Town Code (after relocating these power and duty provisions and removal of policy-related material, there are no more provisions related to law enforcement to incorporate).

While not referenced in Chapter 160A of the General Statutes, we suggest this chapter also include a description of the powers and duties of the Planning Department (from Chapter 6 of the current Code) including references to the authority for inspections set out in NCGS Section 160A-412. Finally, for the sake of consistency and ease of use, we suggest the various sections in Chapter 24 of the current Town Code related to the composition, rules of procedure, and powers and duties of the Planning Board and the comparable sections in Chapter 36 related to the Board of Adjustment be incorporated in new Chapter 2.

### 3.2.1 Purpose and Intent

### 3.2.2 Town Council

### 3.2.3 Town Staff

---

**A. Town Manager**

**B. Town Clerk**

**C. Town Attorney**

### 3.2.4 Duties of Police Chief & Officers

### 3.2.5 Duties of Fire Chief or Other Fire Official

### 3.2.6 Planning Department

### 3.2.7 Planning Board

---

**A. Establishment**

**B. Quorum**

**C. Composition**

**D. Terms & Vacancies**

**E. Chair**

**F. Rules of Procedure**

**G. Powers & Duties**

### 3.2.8 Board of Adjustment

---

**A. Establishment**

**B. Quorum**

**C. Composition**

**D. Terms & Vacancies**

**E. Chair**

**F. Rules of Procedure**

**G. Powers & Duties**

### 3.3 CHAPTER 4 DEFINITIONS

#### 3.3.1 Purpose and Intent

#### 3.3.2 Defined Terms

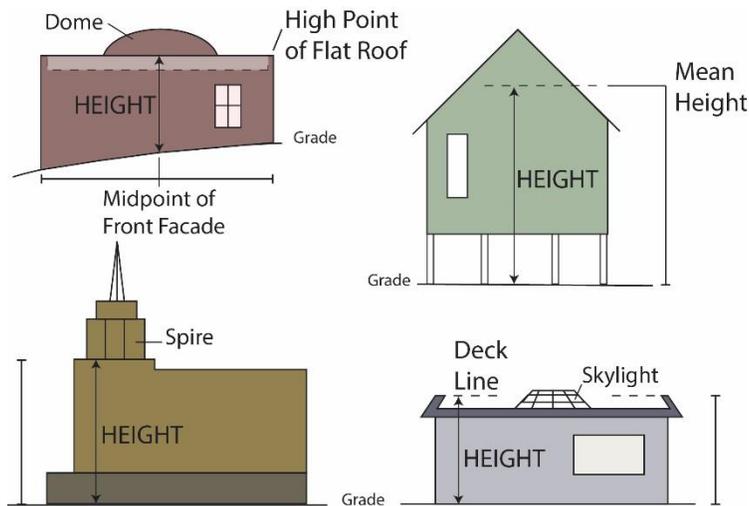
#### 3.3.3 Glossary of Abbreviations

The current code includes numerous definitions across 19 different code sections. Given their dispersal, there is an elevated likelihood that some of the definitions are repeated or that inconsistencies exist between repeated terms or terms that address similar aspects (but in different portions of the code). One of the most important elements for a technical code update is a thorough review of the definitions and removal of consistencies or standards within the definitions (the inclusion of standards within definitions is especially problematic in definitions included within current Chapter 36 (Zoning)).

To address these problems, we suggest the inclusion of a new Chapter 4 that consolidates all the definitions from the following 19 sections of the current Town Code:

4-21	14-65	26-2	34-19
12-3	16-2	26-21	34-55
12-67	20-1	28-1	34-75
14-4	20-168	30-2	36-57
14-27	22-62	32-1	

Along with consolidation, we suggest the definitions be reviewed for consistency with evolving state law and national best practice. In cases where a common term is used differently in two or more chapters, the consolidated definitions chapter will include all relevant definitions with language identifying to which chapter or concept a particular version of a definition applies (this is especially useful with respect to the terms in Chapter 16, Flood Damage Prevention). In addition to this consistency review, we also suggest any standards be removed from definitions, and that the definition be made as simple and straightforward as possible. Finally, some definitions may be supplemented with illustrations, where appropriate.



Example illustration showing how height is determined.



- 3.4.1 Statutory Authority
- 3.4.2 Purpose and Intent
- 3.4.3 Fireworks & Aerial Luminary Devices
- 3.4.4 Fire Prevention Code

- 
- A. Adoption
  - B. Applicability
  - C. Fire Limits
  - D. Enforcement and Inspections
  - E. Permits
  - F. Violation
  - G. Abatement
  - H. Appeal

**3.4.5 Sprinklers and Fire Alarms**

- 
- A. Applicability
  - B. Permit Required
  - C. Issuance
  - D. Inspection
  - E. Violation & Abatement
  - F. Revocation of Permits
  - G. Town Liability Limited

**3.4.6 General Requirements**

- 
- A. Fire Lanes
  - B. Fire Hydrants
  - C. Fire Connections

**3.4.7 Storage and Handling of Hazardous Materials**

- 
- A. Where Authorized
  - B. Exemptions
  - C. Permit Required

**3.4.8 Open Burning**

- 
- A. Applicability
  - B. Exemptions
  - C. Permit Required
  - D. Prohibited Materials

Chapter 6 sets out the fire-related provisions. The current provisions in Chapter 14 are somewhat disjointed, include no names for the individual permits required, blend standards for individuals with requirements applied to the Town, and include provisions related to burglar alarms under the heading of fire alarms.

The organizational structure of fire related services in Southern Shores is somewhat complex in that the Fire Chief is an agent under contract (not a Town employee), there is a volunteer fire department, and fire inspection services are provided through an agreement with the Dare County Fire Marshal.

We suggest the fire-related chapter be reorganized in accordance with the structure shown to the left, including relocation of definitions to the consolidated definitions chapter, and relocation of administrative aspects (like powers & duties) to the administration chapter.

There were several important staff comments regarding this section, including referencing the North Carolina State Fire Prevention Code, updating statutory references generally, and removing inconsistent or confusing language such as that found in Section 14.4.a , 14.37.a, and 14.68.9.

There were also several calls for additional clarity involving fire inspections generally, which uses require fire protection systems, requirements for fire lane marking, prohibition of landscaping near fire lanes and standpipes, exemptions to the flammable storage prohibitions, and the requirements for fire hydrants. There were also suggestions for modifications to the open burning provisions including more limits on what may be burned and the minimum age limit for supervision of open burning.

- 3.5.1 Statutory Authority**
- 3.5.2 Purpose and Intent**
- 3.5.3 Compliance Required**
- 3.5.4 Motor Vehicle Operation**

---

  - A. Generally**
  - B. In Specific Locations**
  - C. Weight Limits**
- 3.5.5 Operation of Bicycles and Non-Motorized Vehicles**
- 3.5.6 Operation of Vehicles on the Beach and Paths**
- 3.5.7 Standing, Stopping, and On-Street Parking**

---

  - A. Where Prohibited**
  - B. Where Authorized**
- 3.5.8 Abandoned, Nuisance, and Junked Vehicles**

---

  - A. Removal Authorized**
  - B. Notice of Removal, Pre-Towing**
  - C. Notice of Removal, Post-Towing**
  - D. Redemption**
  - E. Sale by Town**

Chapter 20 of the current Town Code includes the Motor Vehicles and Traffic standards, which are organized into six articles: General Provisions, Traffic Control Devices, Operation of Vehicles, Stopping, Standing, and Parking, Enforcement, and Bicycle Safety Rules. There are also extensive provisions embedded in the Stopping, Standing, and Parking standards related to abandoned and junked vehicles.

The current standards are a blend of provisions related to the operation of motorized and non-motorized vehicles as well as more infrastructure-related provisions.

As a first step, we suggest the traffic map, traffic control device, and street-related provisions in Section 20-2 and 20-69 through 20-72 be relocated to new Chapter 18, Streets, Sidewalks, and other Public Property.

As with other chapters, we also suggest the definitions be relocated to the consolidated chapter on definitions, enforcement –related provisions be relocated to new Chapter 36, Offenses and Enforcement, off-street parking provisions be relocated to the zoning chapter, and that the remaining standards be reorganized into a more intuitive grouping.

In addition we address the standards be revised to address staff comments to allow a variety of Town vehicles to operate on the beach and multi-use paths.

Chapter 12 of the current Town Code sets out the emergency management provisions, which are focused on Town operations and recovery during and after an emergency (such as a flood, hurricane, or Act of God). The chapter is organized into three divisions: general standards, state of emergency, and hurricane and storm reconstruction. The general standards address the authority to execute an emergency management plan, and the powers and responsibilities of Town officials during emergencies. The state of emergency provisions address proclamations (by the Mayor) of an emergency, the imposition of restrictions, and how the proclamation is ended or withdrawn. The reconstruction provisions establish a Reconstruction Task Force and include provisions about the manner in which post-emergency reconstruction will take place (including a potential moratorium on development).

We suggest only minor revisions to these provisions for greater consistency with the balance of the updated Town Code, such as the relocation of definitions to the consolidated definitions chapter and relocation of Town Manager powers and duties to the Administration chapter.

Staff comments on the materials call for clarifying language that the powers authorized by the standards during a state of emergency are only available during the duration of the proclaimed emergency, and the powers are extinguished when the state of emergency is over. There were some addition minor comments referring to the name of the Chickahauk Property Owner’s Association.

- 3.6.1 Statutory Authority**
- 3.6.2 Purpose and Intent**
- 3.6.3 Emergency Management Plan**
- 3.6.4 Emergency Management Agency**

---
- A. Establishment**
- B. Composition**
- C. Powers and Duties**
- 3.6.5 Municipal and Private Liability**
- 3.6.6 Declaration of State of Emergency**
- 3.6.7 Proclamation Initiated**
- 3.6.8 Restrictions, Generally**
- 3.6.9 Specific Restrictions Authorized**
- 3.6.10 Evacuation**
- 3.6.11 Amendments and Superseding Proclamations**
- 3.6.12 Removal of Restrictions**
- 3.6.13 Reconstruction Task Force**

---
- A. Composition**
- B. Powers and Duties**
- 3.6.14 Building Moratorium Authorized**
- 3.6.15 Procedures During Moratorium**

---
- A. Destroyed Structure**
- B. Majorly Damaged Structure**
- C. Minorly Damaged Structure**
- 3.6.16 Moratorium Extinguished**

---

**3.7.1 Statutory Authority**

**3.7.2 Purpose & Intent**

**3.7.3 Waste Collection Receptacles**

---

- A. Authorized Receptacles**
- B. Where Required**
- C. Minimum Number**
- D. Placement for Pick Up**
- E. Placement at Other Times**
- F. Prohibited Materials**

**3.7.4 Recycling**

---

- A. Separation Required**
- B. Authorized Receptacles**
- C. Authorized Materials**

**3.7.5 Construction and Demolition Waste**

**3.7.6 Storage of Solid Waste**

**3.7.7 Yard Waste**

**3.7.8 Bulk Collection**

**3.7.9 Litter**

---

- A. Public Land**
- B. Private Land**

**3.7.10 Solid Waste Collectors**

---

- A. Licensing**
- B. Responsibilities**
- C. Revocation**

The Town’s solid waste provisions are currently located in Chapter 26 of the Town Code and are organized into two main sections: a series of sections on refuse and recycling provisions applied to individual landowners and uses, and a series of provisions addressing solid waste collectors contracting with the Town.

We suggest a variety of changes to the current regulations, including consolidation of similar provisions related to refuse and recycling containers serving residential lots and removal of repetitive language throughout the chapter.

There are several staff comments about the need to revise the provisions for greater consistency with Town practice, particularly with respect to the required number of individual refuse containers and pick-up placement standards for containers serving single-family detached residential uses.

There are several references to the County as the solid waste collection provider that should be revised to reference the Town’s identified contractor.

- 3.8.1 Statutory Authority**
- 3.8.2 Purpose and Intent**
- 3.8.3 Undefined Terms**
- 3.8.4 Permit Required**

---

  - A. Procedure**
  - B. Application**
  - C. Wastewater Facilities Plan**
  - D. Site Evaluation Certification**
  - E. Conditions**
  - F. Town Supervision**
  - G. Certificate of Compliance**
  - H. Temporary Permit**
  - I. Unlawful Discharges**
  - J. Suspension or Revocation**
- 3.8.5 Standards**

---

  - A. Generally**
  - B. Location**
  - C. Design**
  - D. Connections to Systems Outside Town**
  - E. Compliance with State and Federal Standards**
  - F. Prohibition of Wastewater Discharge**
  - G. Prohibition of Inflow Sources**
- 3.8.6 Operation**

---

  - A. Certification Required**
- 3.8.7 Monitoring**

---

  - A. Maintenance**
  - B. Reports Required**
  - C. Timing**
  - D. Contents**
  - E. Inspections**
  - F. Role of DEQ**

The current wastewater management system standards are found in Chapter 32, Utilities – suggest the chapter be renamed to wastewater since all the provisions deal with wastewater management. The chapter is comprised of four articles: General; Enforcement; Permits, Report, and Administration; and Wastewater Management Practices.

In accordance with other chapters in the updated Town Code, we suggest the individual chapter-based definitions be relocated to the consolidated definitions chapter. We also suggest the various enforcement provisions in Article 2 be relocated to the consolidated chapter on enforcement.

We note that the current standards include a considerable amount of overlap and repetition of permit-related provisions in Article 3, Permits, and Article 4, Wastewater Management Facilities. We suggest these two different articles be consolidated to help reduce repetition. In addition, there is a considerable amount of inconsistent terminology with respect to the permits described in the chapter (e.g., wastewater management system permit, site evaluation certification, certificate of compliance, operations permit, and an operation certification). These inconsistencies should be addressed and clarified.

Finally, we suggest the chapter be reorganized as shown in the list to the left for greater clarity.

- 3.9.1 Statutory Authority**
  - 3.9.2 Purpose and Intent**
  - 3.9.3 Compliance with Laws**
  - 3.9.4 Rights Reserved to Grantor**
  - 3.9.5 Use of Grantee Facilities**
  - 3.9.6 Duty to Grantee**
  - 3.9.7 Installation**
- 

- A. Right-of-Way Construction**
- B. Minimum Interference**
- C. Repair of Property**
- D. Erection of Poles**
- E. Constructing Public Utility, Service, or Other Public Work**
- F. Underground Installation**
- G. Work Performed by Others**

- 3.9.8 Conduit**
  - 3.9.9 Vegetation Removal**
  - 3.9.10 Temporary Relocation**
- 

The cable services provisions address the ability of cable television providers to install infrastructure in the Town. The standards are currently located in Division 2 of Chapter 8. We suggest they be relocated to their own chapter. We also suggest the standards be reordered into the structure shown to the left.

We note that the current code includes no detail on franchises, franchise agreements, customer service practices of the provider.

### 3.10.1 Statutory Authority

### 3.10.2 Purpose & Intent

### 3.10.3 Official Traffic Map

---

- A. Contents
- B. Location
- C. Amendment

### 3.10.4 Traffic Control Devices

---

- A. Compliance Required
- B. Installation
- C. Non-regulatory Devices

### 3.10.5 Signage

### 3.10.6 Speed Limits

### 3.10.7 Obstructions in the Right of Way

---

- A. Prohibited
- B. Exemptions
- C. Authorized Features
- D. Removal Authorized
- E. Costs of Removal Assessed

### 3.10.8 Encroachment Agreements

---

- A. Construction
- B. Special Events
- C. Other Features
- D. Procedure
- E. Fees

### 3.10.9 Tree Removal in the Right of Way

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- A. Dogwood Trees
- B. Trees Over Four Inches in Diameter
- C. Other Vegetation

Chapter 18 of the updated Town Code is proposed to contain the provisions related to streets, sidewalks, and other public property.

The current provisions address obstructions of the right-of-way, encroachment agreements to allow some private features or activities to take place within the right-of-way, and the provisions governing removal of vegetation in the right of way. This material is proposed to be carried forward with only minor reorganization.

As suggested earlier, we also suggest some of the traffic and street-related provisions from the current moto vehicles chapter (Chapter 20) be relocated to this chapter on streets.

We also note there are several common provisions typically associated with this code chapter in other communities that are not included in Southern Shores, such as provisions governing conduct and procedure in public parks, provisions address the re-naming of streets, procedures addressing excavation and repaving as part of new development.

Despite the chapter title, the current standards do not address sidewalks, paths, or beach accessways.

Finally, we note that Section 30-97(1) of the current subdivision regulations addresses elements such as minimum right-of-way width, pavement width, intersections, curves, and other street-related design features. It is possible to leave these items with the subdivision regulations or relocate them to this chapter (with the caveat that they apply within the Town's ETJ in addition to corporate limits).

## 3.11 CHAPTER 20 BUILDINGS AND BUILDING REGULATIONS

The building regulations are located in Chapter 6 of the current Town Code. These provisions establish the Planning Department, set out its responsibilities, adopt the State Building Code, establish the building permit and certificate of compliance procedures, and establish the authority to conduct inspections during the construction process (inspections are conducted in cooperation with Dare County).

In keeping with the organization framework set out in the other updated chapters, we suggest the provisions establishing the Planning Department and its responsibilities be relocated to new Chapter 2, Administration.

We also suggest the building permit and certificate of compliance procedures be relocated to the new zoning chapter so that they may be enforced both within the corporate limits as well as the extra-territorial jurisdiction.

Comments provided from staff indicate the need to clarify in current Section 6-3 that the State Building Code is adopted with the exception of the portions related to fire protection (since the Town has instead adopted the North Carolina Fire Prevention Code). There were also comments related to clarifications regarding the submittal requirements associated with building permit applications.

One set of standards the Town may wish to consider including in new Chapter 20 includes provisions for moving existing principal structures (like homes) as well as provisions for demolition of structures and pilings, particularly within AEC areas.

Finally, we suggest the property numbering (addressing) provisions in Sections 24-58 through 24-63 of current Town Code Chapter 24 (Planning) be relocated to new Chapter 20.

3.11.1	Authority
3.11.2	Applicability
3.11.3	State Building Code Adopted
3.11.4	Fees
3.11.5	Inspections
3.11.6	Temporary Toilet Facilities
3.11.7	Property Numbering

---

- A. Numbering Map
- B. Numbering System
- C. Display of Numbers

**3.12.1 Article 1: Introductory Provisions**

---

- A. Title
- B. Authority
- C. Purpose & Intent
- D. Applicability
- E. Compliance Required
- F. Jurisdiction
- G. Relationship to Other Laws & Agreements
- H. Transitional Provisions
- I. Rules of Measurement

**3.12.2 Article 2: Procedures**

---

- A. Standard Review Procedures
- B. Map Amendment
- C. Text Amendment
- D. Planned Unit Development
- E. Conditional Use Permit
- F. Site Plan
- G. Building Permit
- H. Zoning Permit
- I. Certificate of Compliance
- J. Temporary Use Permit
- K. Sign Permit
- L. Interpretation
- M. Variance
- N. Appeal
- O. Vested Right

**3.12.3 Article 3: Zoning Districts**

---

- A. Official Zoning Map
- B. Residential Districts
- C. Nonresidential Districts
- D. Special Districts

**3.12.4 Article 4: Use Standards**

---

- A. Use Table Structure
- B. Principal Use Table
- C. Prohibited Uses
- D. Unlisted Uses
- E. Use-Specific Standards
- F. Accessory Uses
- G. Temporary Uses

**3.12.5 Article 5: Development Standards**

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- A. Infrastructure Standards
- B. Access Standards
- C. Off-Street Parking Standards
- D. Landscaping Standards
- E. Tree Removal on Lots
- F. Signage Standards
- G. Exterior Lighting
- H. Fences and Walls
- I. Electrical and Communication Service
- J. Commercial Design Standards
- K. Ocean Hazard Area Standards
- L. Stormwater Management

**3.12.6 Article 6: Nonconformities**

---

- A. General Applicability
- B. Maintenance and Continuation
- C. Nonconforming Uses
- D. Nonconforming Structures
- E. Nonconforming Lots
- F. Nonconforming Signage
- G. Nonconforming Site Features

## 3.13 CHAPTER 24 BUSINESSES AND BUSINESS REGULATIONS

### 3.13.1 Prohibited Acts

### 3.13.2 Solicitor's Permit

---

- A. When Required
- B. Exemptions
- C. Procedure
- D. Renewal
- E. Revocation and Suspension

Chapter 24 of the new Town Code is proposed to include the business and business regulations material, which consists of the solicitor's permit procedure and standards.

This permit process is currently administered by the Police Department, and is the only aspect of the Town Code other than the powers and duties material related to the police in the Town Code.

The Town could consider shifting responsibility for this permit procedure to the Planning Department (while still retaining the background check responsibility with the Police Department). This would allow this proposed chapter to be removed from the updated Town Code.

Regardless of where located, the Solicitor's Permit procedure is proposed for minor reorganization as shown to the left.

Another opportunity for consideration is the relocation to new Chapter 24 of other provisions related to specific business or other uses that must obtain a special permit. Some communities address massage therapy, adult business, body piercing, and garage or yard sales in the business regulations chapter. In many cases, this is done because the use requires a special license or the community administers the enforcement provisions through the police force.

Alternatively, standards for these uses can also remain in the zoning provisions (where they are currently located).

### 3.14.1 Title

### 3.14.2 Statutory Authority

### 3.14.3 Purpose and Intent

### 3.14.4 Applicability

### 3.14.5 Exemptions

### 3.14.6 Conflict

### 3.14.7 Subdivisions Distinguished

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A. Major

B. Minor

C. Exempt

### 3.14.8 Procedures

---

A. Sketch Plan

B. Minor Subdivision

C. Preliminary Plat

D. Final Plat

E. Variance

F. Amendment

G. Expiration

H. Plan Submittal Requirements

### 3.14.9 Subdivision Design Standards

---

A. Conformity to Adopted Maps and Plans

B. Land Preparation

C. Reference Points

D. Roadways

E. Public Infrastructure

F. Lots

G. Easements

H. Buffer Strips

I. Solid Waste Collection

### 3.14.10 Performance Guarantees

---

A. Where Authorized

B. Form

C. Timing

D. Amount

E. Release

Chapter 30 of the current Town Code sets out the subdivision standards, or the provisions that govern how land may be subdivided and the provision of infrastructure. While Southern Shores is largely built out, there is always the possibility for additional subdivision. As such, these standards are important.

Staff made several comments describing the current provisions as vague and poorly drafted. We agree that these current standards are not consistent with modern subdivision regulations. In addition, there have been several amendments to state law that need to be reflected in the provisions, particularly with respect to performance guarantees.

We note that the current subdivision provisions are vague with respect to review and approval criteria. They also lack detail on the effect of approval in terms of the next step. There is also no discussion on construction, installation, or inspection of public infrastructure (like roads, waterlines, sewer lines or similar features).

In addition, staff made the suggestion that the current standards should be supplemented with a minor subdivision procedure for subdivision under a certain threshold of lots (perhaps 5 or 6). Staff would be responsible for review and approval of these subdivisions.

We suggest deeper treatment of the performance guarantee provisions then is currently addressed in Section 30-43 and 30-76.

### 3.15.1 Statutory Authorization

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- A. Standards Authorized
- B. Findings of Fact

### 3.15.2 Purpose & Objectives

---

- A. Purposes
- B. Objectives

### 3.15.3 General Provisions

---

- A. Definitions (x-ref only)
- B. Applicability
- C. Compliance Required
- D. Interpretation
- E. Disclaimer of Liability
- F. Penalties for Violation, Generally

### 3.15.4 Administration

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- A. Floodplain Administrator
- B. Floodplain Development Permit
- C. Floodplain Certificates
- D. Corrective Procedures
- E. Variances

### 3.15.5 Flood Hazard Reduction

---

- A. Standards Generally
- B. Residential Standards
- C. Manufactured Home Standards
- D. Nonresidential Standards
- E. Construction Below Lowest Floor
- F. Additions & Improvements
- G. Recreational Vehicles
- H. Temporary Structures
- I. Accessory Structures
- J. Special Standards in the VE Zone

Chapter 16 of the current Town Code sets out the flood damage prevention standards. The code structure proposed here relocates this chapter to be closer with the other development-related provisions like the zoning and subdivision chapters.

The flood damage prevention standards are based on state and federal laws, and as such, are administered by FEMA and the NC Department of Environmental Quality (DEQ) (formerly the Department of Natural Resources, or “DENR”). State law requires the DEQ to review and approve the flood damage prevention standards prior to adoption by a local government.

Based on the requirement for DEQ review we suggest the flood damage prevention provisions be carried forward with no substantive modification (as a means of avoiding requirements for DEQ review). We do suggest some very minor structural reorganization and language clarifications such as consolidating the definitions, using shorter and more descriptive section titles, and an organization that consolidates all procedural provisions apart from substantive requirements.

We do note that FEMA has recently provided a revised set of Flood Insurance Rate Maps for all of Dare County, and as such it is possible that some or all of the Town’s current flood zones have changed. In the case a new model flood ordinance is published by DEQ as part of revised FIRM maps, this chapter will be updated for compliance with state law.

### 3.16.1 Statutory Authority

### 3.16.2 Purpose & Intent

### 3.16.3 Boat Operation

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- A. Wakes
- B. Speed Limit
- C. Use of Waterways
- D. Duck Woods Pond

### 3.16.4 Waterways & Canals

---

- A. Maintenance Required
- B. Maintenance Areas Distinguished

### 3.16.5 Bulkheads, Docks, and Pilings

---

- A. Required for Docking
- B. Where Authorized
- C. Exemptions
- D. Procedure
- E. Leasing Waterfront Land from Town
- F. Standards

### 3.16.6 Beach and Waterway Use

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- A. Surfing
- B. Swimming

### 3.16.7 Beach and Dune Management

---

- A. Prohibited Activities
- B. Exemptions

### 3.16.8 Coastal Area Management

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- A. Compliance Required

The Town's waterway and beach standards are currently found in Chapter 34 of the Town Code. The standards are organized into three articles: In General, Waterway & Canal Maintenance, Beach and Waterway Usage, Coastal Area Management.

We suggest these standards be carried forward in new Chapter 30 with a slightly modified structure that consolidates similar provisions into common sections.

As with all other chapters, we suggest the section commence with sections on statutory authority and purpose and intent. We suggest a new section on boat operation. Additional consideration is needed about whether or not this section should include provisions for operation of non-motorized devices (like paddleboards, kayaks, and similar devices).

Along these lines, there appear to be no provisions for personal watercraft (jet skis); fishing or swimming from bridges over canals; rules related to public boat slips (if applicable).

Staff comments indicated a desire to remove the Coastal Area Management provisions in favor of cross references to other documents.

**3.17.1 Cemetery Established**

**3.17.2 Location**

**3.17.3 Official Name**

**3.17.4 General Standards**

**3.17.5 Operations**

**3.17.6 Markers**

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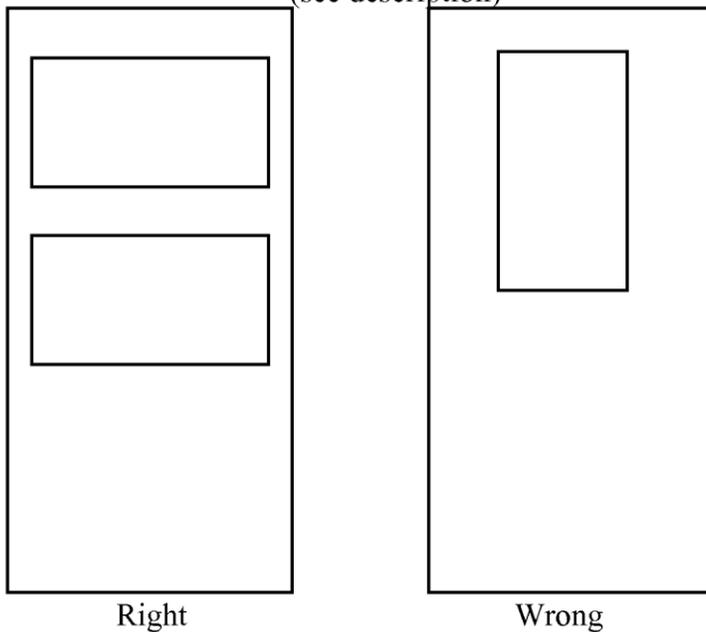
Chapter 10 in the current Town Code sets out the provisions for Southern Shores Cemetery, one of the few municipal cemeteries in the Outer Banks. The current standards address issues such as location, name, funding, and operation within a single section (10-1). Interestingly, this section contains one of the few illustrations in the Town Code, the proper placement of grave markers.

Staff comments suggest revising the locational provisions to simply reference the plat number. And to remove policy-related material related to funding through the sale of plots.

We suggest all non-policy related provisions be carried forward in new Chapter 32 with only minor reorganization to better organize information into name and location sections, general standards, and operational provisions.

**PERMITTED MARKER PLACEMENT:**

(see description)



This illustration is taken from the Town Code and shows the proper placement of grave markers. There is an opportunity to improve this illustration and supplement the code with additional illustrations for greater clarity.

- 3.18.1 Enforcement**
- 3.18.2 Livestock & Fowl Prohibited**
- 3.18.3 Owner Responsibilities**

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- A. Rabies Inoculation**
- B. Enclosures**
- C. Removal of Feces**
- D. Tags Required**
- 3.18.4 Dogs on the Beach**
- 3.18.5 Running at Large**
- 3.18.6 Impoundment and Redemption**
- 3.18.7 Dangerous Animals**
- 3.18.8 Destruction**
- 3.18.9 Bird Sanctuary**
- 3.18.10 Bee Keeping**
- 3.18.11 Hunting & Trapping**

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This chapter sets out the rules and requirements related to animals in Town – both the keeping of pets and other provisions related to wild animals.

During the initial input stages, the suggestion was made to consider removing the standards adopting by reference the Dare County animal control provisions. The proposed chapter structure shown to the left includes the provisions necessary if this change were made. We note the current code has no provisions on dangerous animals, impoundment, or hunting.

The definitions in current Chapter 4, Animals, are proposed for relocation to the consolidated chapter on definitions. We suggest a reconfigured owner responsibility section that includes the current provisions plus standards for animal enclosures.

For the sake of clarity, we suggest the material related to dogs on the beach be removed from running at large and placed into its own section. We also suggest additional details be added regarding impoundment and redemption of pets found at large.

Recent changes in state law have exempted small-scale bee keeping from local regulations, so we suggest a new section addressing that issue. Finally, we suggest a provision be added to reference a Town policy on hunting (should one be developed).



Dogs are allowed on the beach during the day, if leashed, between Mid-November and Mid-May.

## 3.19 CHAPTER 36 OFFENSES AND ENFORCEMENT

### 3.19.1 Statutory Authority

### 3.19.2 Purpose and Intent

### 3.19.3 Responsible Persons

### 3.19.4 Violations

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- A. Disorderly Conduct
- B. Failure to Follow Official Directive
- C. Interference with Government Official
- D. Posting of Bills
- E. Firearms and Weapons
- F. Explosives, Fireworks, Luminaries
- G. Operation of Motorized or Non-motorized Vehicles
- H. Parking Citations
- I. Traffic Violations
- J. Violations of the Fire Code
- K. Wastewater Discharges and Inflow
- L. Solid Waster and Litter Related
- M. Animal Related Activities

### 3.19.5 Nuisances

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Chapter 36 is a new consolidated chapter setting out all the provisions related to violations and enforcement of the provisions of the Town Code. Staff recommends a new procedure and set of standards to address noise, which is included here.

### A. Nuisances Identified

### B. Abatement Required

### C. Costs Incurred

### 3.19.6 Noise

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- A. Noise Identified
- B. Measurement
- C. Maximum Permitted Sound Levels
- D. Prohibited Sounds
- E. Exemptions
- F. Permit to Exceed Maximum Sound Levels

### 3.19.7 Abatement Procedure

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- A. Complaint
- B. Investigation
- C. Inspection
- D. Notice
- E. Due Process
- F. Landowner Correction
- G. Failure to Comply
- H. Correction by Town
- I. Appeal

### 3.19.8 Remedies

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- A. Civil Penalties
- B. Denial of Permit or Certificate
- C. Conditional Permit
- D. Stop Work
- E. Permit Revocation
- F. Criminal Penalties
- G. Injunctive Relief
- H. Order of Abatement
- I. Equitable Remedy
- J. Common Law Remedies
- K. Cumulative Violations
- L. Chronic Violators



## 4. APPENDICES

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This section of the Code Assessment contains four appendices of supplemental information.

Section 4.1 provides copies of the public comments received on the public review draft of this Code Assessment following the overview of the document with the Town Council conducted on September 6, 2016. It also provides a brief response to the comments received.

Section 4.2 is a section-by-section review of the current Town Code. It describes each main section or group of sections in the code and provides a recommendation about how and in what ways the current code language should be revised in the updated Town Code.

Section 4.3 is a brief survey of town codes from similar coastal communities across the outer Banks, and the Southeast generally. The review of each code provides a list of the chapter or article section titles, basic details about the community size, a link to its code, and details on the code's composition and interesting features.

Section 4.4 is the style set proposed for use in the updated Town Code. It provides a quick example of the fonts, text nesting, and numbering scheme proposed for the updated Town Code.



The tree-lined streets of Southern Shores.

### Process for Collecting Comments

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CodeWright presented the Public Review Draft of the Code Assessment to Town Council on September 6th. A digital version of the document was also posted to the Town's webpage. In order to allow for public comment on the Code Assessment, a three-week comment period running from September 6th to September 26th was established. The public was encouraged to submit comments via email at the project email address (tosstowncode@gmail.com) or in writing to Town staff.

The Town received two sets of comments, which are attached on the following pages in their entirety, but with any identifying information (such as name and address) redacted. Text that appears in blue was added by CodeWright to the comments documents and is for the ease of the reader in matching a response with a particular comment.







## CodeWright Response to Comments Received

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The following are CodeWright's responses to comments received, including how they will be addressed in the upcoming stages of the code update project. Responses bearing the number "1" relate to the first set of comments received. Responses bearing the number "2" relate to the second set of comments received

- 1.a. The Code Assessment does include a great deal of information, including a summary of the input on the current Town Code received from a wide variety of sources, an overview of the proposed structure of the updated Town Code, and a detailed section-by-section review of the current Town Code (including suggested disposition in the updated Town Code) in the appendix. Every attempt is made to make this information accessible and understandable.
- 1.b. Ten key Town staff members submitted comments on the current Town Code. These comments were provided to identify areas where current practice differs from the Code provisions. Regardless of the comments received, the Town Council will ultimately make the decision whether or not to make each of the changes suggested by staff.
- 1.c. The current Town Code is not consistent with the State Building Code, and the current standards are not appropriate in their current location. If the Town does desire to use a permit process to ensure aesthetic and placement issues with respect to fencing, an amendment to the code in another appropriate section that establishes a zoning permit would be a great way to address those concerns.
- 1.d. To clarify, the requirement to revise the prohibition of the use of skates, scooters, etc. refers to changing the language so that private property owners can choose the rules of use of their private property. This was suggested in order to respect private property rights, and does not affect the prohibition of skates, scooters, etc. on publicly owned sidewalks or paths. The regulations in the current Town Code are at odds with private property rights, and as such are not being enforced. The ultimate decision as to whether or not to apply these regulations to walkways on private property rests with the Town Council
- 1.e. Codified standards will be numeric and objective. We agree with respect to the comment regarding equipment. Town enforcement staff need to obtain a sound meter, keep it properly calibrated, and be certified in its proper operation.
- 1.f. This policy change was suggested by Town staff in their review of the current Town Code, because, in the opinion of Town staff, the current regulations are unenforceable given the textual content of the current Code section as well as current resources and staffing levels. Regardless of the comments received, the Town Council will ultimately make the decision whether or not to make each of the changes suggested by staff.

- 1.g. This policy change was discussed in the Citizen Survey, at the Public Forum, and a deeper exploration of the issue was included in this Code Assessment at the direction of Town Council. It is ultimately up to the Town Council to decide what changes will be made in the Town Code.
  
- 2.a. The descriptions of changes to state law presented in Section 2.3 of the Code Assessment are intended to provide lay readers with a short and easily digestible summary of relevant state laws. It is our hope that interested readers will use the Session Law references provided in each description to look up the full text of the law if they so choose. All draft Town Code language will undergo thorough examination by the Town's legal staff prior to consideration by Town Council.
  
- 2.b. Draft material has been and will continue to be made available to the public for review and comment throughout the project in accordance with the Agreement between CodeWright and the Town. CodeWright is willing to consider amending the contract to provide more in-depth discussion of draft work products or opportunities for public review beyond those included in the current Agreement.

## 4.2 SECTION-BY-SECTION REVIEW OF CURRENT TOWN CODE

This table includes the section-by-section review of all the chapters in the current Town Code. The table sets out the section number, title, a description of the contents, and a recommendation for disposition based on the input in Part 2 and the proposed structure in Part 3 of this Code Assessment. In cases where language in the “Recommendation” column references a chapter or chapter number, that reference is to the recommended updated Town Code structure. This table will guide the drafting portion of the project.

Sec. #	Section Title	Description	Recommendation
<b>Chapter 1. General Provisions</b>			
1.1	How Code Designated & Cited	Code Title	Carry forward as “Title”
1.2	Definitions and Rules of Construction	Sets out general definitions and rules of interpretation/language construction	<ul style="list-style-type: none"> <li>Carry forward rules of language construction.</li> <li>Relocate definitions to new consolidated definitions chapter</li> </ul>
1.3	Catchlines	Clarifies that some text is merely for document navigation purposes	Carry forward and supplement with provisions for history and state law references
1.4	Provisions Considered Continuations of Existing Ordinances		Carry forward as “Continuation”
1.5	Repeal; Expiration of Ordinance		Carry forward as “Repeal & Expiration”
1.6	General Penalty; Enforcement of Ordinances; Continuing Violation	Sets out the generalized penalty provisions for various actions or failures to act under various code chapters	Relocate to a new consolidated chapter on offenses and enforcement
1.7	Severability	Protects balance of code if portion struck down via litigation	Carry forward, but relocate to end of chapter
1.8	Damaging Ordinances	Prohibits removal of posted ordinances	Relocate to offenses and enforcement chapter
1.9	Certain Ordinances not Affected by Code	Clarifies that several different types of ordinances are unaffected by changes to the Town Code	Carry forward, but locate after Supplementation sub-section
1.10	Amendments to Code	Sets down the text rules for proposed amendments to the code	See Input Summary Matrix in Part 2
1.11	Supplementation of Code	Sets down the rules for how supplements to the Town Code will be prepared and organized	See Input Summary Matrix in Part 2
<b>Chapter 2. Administration</b>			
Article I. In General [Reserved]			
Article II. Town Manager			
2.21 – 2.22	Appointment, Powers & Duties	Sets out the residency requirements and powers & duties of Town Manager	Replace with statutory references
Article III. Disposal of Surplus Personal Property			
2.43 – 2.46		Establishes the procedure for sale or disposal of surplus property as well as record-keeping requirements	See Input Summary Matrix in Part 2
<b>Chapter 4. Animals</b>			
Article I. In General			

Sec. #	Section Title	Description	Recommendation
4.1	Town Declared Bird Sanctuary	Identifies the Town as a bird sanctuary	Carry forward & clarify hunting of birds is illegal
<b>Article II. Keeping Animals and Fowl</b>			
4.21	Definitions	Defined terms	Relocate to consolidated chapter of definitions
4.22	County Ordinance	Identifies the Dare County ordinance as applicable	See Input Summary Matrix in Part 2
4.23	Enforcement	Sets out responsibility for enforcement	Carry forward
4.24	Livestock, Fowl Prohibited		Carry forward
4.25	Animals Running at Large	Sets out provisions for dogs on the beach, tags, and several other pet-related provisions	Split apart by subject and supplement with additional provisions for impoundment and redemption
4.26	Trapping of Domestic or Wild Animals	Limits trapping	Carry forward and supplement with provisions regarding hunting
4.27	Mandatory removal of feces	Sets out owner's reasonability	Carry forward in new owner's responsibility section
<b>Chapter 6. Buildings and Building Regulations</b>			
6.1	Statutory Authority for Enforcement	Sets out authority for building regulations	Carry forward
6.2	Planning and Code Enforcement Department Established for Planning, code Enforcement, and Permitting	Establishes Planning Department and sets out departmental responsibilities	Relocate to Administration chapter
6.3	State Building Code Adopted	Adopts NC State Building Code by reference	Carry forward, but clarify Town has adopted NC Fire Prevention Code instead
6.4	Fees		Carry forward
6.5	Building Permit	Sets out Building Permit authority and requirements	Relocate to Zoning chapter and clarify terms in accordance with staff comments
6.6	Inspections	Establishes the authority to inspect construction	Carry forward
6.7	Certificate of Compliance	Sets out procedure for Certificate of Compliance	Relocate to Zoning chapter
6.8	Temporary Toilet Facilities		Carry forward
<b>Chapter 8. Businesses and Business Regulations</b>			
<b>Article I. In General</b>			
8.1	Solicitation, Permits, Etc.	Section sets out the standards and procedural requirements for issuance of solicitor's permits	Relocate to the chapter on businesses and business regulations
<b>Article II. Cable Services</b>			
8.19	Rights Reserved to Grantor	Clarifies that The Town reserves all applicable rights not otherwise reserved	Carry forward
8.20	Use of Grantee Facilities	<ul style="list-style-type: none"> <li>Clarifies that the Town has the right to install and maintain equipment on the grantee's</li> </ul>	

Sec. #	Section Title	Description	Recommendation
		<p>facilities at cost, provided such equipment does not interfere with grantee's operation</p> <ul style="list-style-type: none"> <li>The Town will relinquish its use of facilities if its use interferes with grantee's business</li> </ul>	
8.21	Right-of-Way Construction	Clarifies that a cable system grantee shall obtain all required permits and comply with all applicable laws, including laws associated with operation of a cable system	Carry forward
8.22	Compliance with Laws	Clarifies that grantee will operate its system in accordance with all applicable federal, state, and town laws	
8.23	Minimum Interference	<ul style="list-style-type: none"> <li>Requires grantee to ensure that its equipment and construction practices are conducted in a manner that does not interfere with property owner's rights or enjoyment of their property</li> <li>Clarifies that the Town may require removal in the event the facilities are not constructed in accordance with applicable provisions</li> </ul>	Carry forward
8.24	Repair of Property	<ul style="list-style-type: none"> <li>Clarifies that the grantee is responsible for ensuring that any private or public property damaged during installation or operation is promptly repaired by the grantee</li> <li>Section allows the Town to complete the work if grantee fails to complete it in a timely fashion or to the satisfaction of the Town</li> </ul>	
8.25	Erection of Poles	<p>Establishes that grantee shall not erect new poles without prior approval of the Town</p> <p>Clarifies that grantee will negotiate, as needed, with existing system owners for any additional pole placement</p>	Carry forward
8.26	Constructing Public Utility, Service, or Other Public Work	<ul style="list-style-type: none"> <li>Protects the ability of the Town to install and operate all necessary Town facilities in a manner that does not interfere with free use and operation of poles, wires, conduits, and other elements of grantee's system</li> <li>Clarifies that the Town may remove, replace, or temporarily disconnect grantee facilities as needed to ensure the facilities do not interfere with the public works responsibilities of the Town</li> </ul>	<ul style="list-style-type: none"> <li>Carry forward</li> <li>Remove language indicating the grantee may seek reimbursement for costs incurred through the Town exercising its public facility and infrastructure responsibilities</li> </ul>

Sec. #	Section Title	Description	Recommendation
8.27	Underground Installation	<ul style="list-style-type: none"> <li>Sets out where grantee facilities must be located (whether above or below ground in accordance with existing conditions and configuration of other provider's facilities)</li> <li>Grantee must takes steps to minimize the visual impact of its facilities</li> </ul>	Carry forward
8.28	Conduit	<ul style="list-style-type: none"> <li>Sets out the requirements for grantees to provide detailed maps of their equipment and conduits as well as an emergency contact number if lines are damaged</li> <li>Clarifies the Town is not responsible for damage to buried cables that are not marked or that cannot be identified by a locating service</li> </ul>	<ul style="list-style-type: none"> <li>Carry forward</li> <li>Removal requirement for detailed strand and trench maps</li> </ul>
8.29	Clearing Poles and Cables	<ul style="list-style-type: none"> <li>Clarifies that a grantee may remove trees and vegetation to keep its lines clear</li> <li>Requires 10-day notice to the Town for removal of vegetation or branches within a public right-of-way</li> </ul>	Carry forward
8.30	Moving Facilities	<ul style="list-style-type: none"> <li>Requires a grantee to temporarily move its facilities if a building permit holder, or state agencies needs to move a large object, vehicle or building</li> <li>The grantee may require payment for the cost of such moves</li> </ul>	
8.31	Work Performed by Others	Clarifies that these standards apply to subcontractors or others performing work on behalf of the grantee	Carry forward
8.32	Duty to Grantee	Clarifies that anyone performing work has a responsibility to avoid injuring grantee's facilities while performing work	
<b>Chapter 10. Cemeteries</b>			
10.1	Municipal Cemetery Established; Cemetery Fund; Monitoring of Operations	Section sets out the location, name, funding, general operation specifications, and grave marker specifications	Remove policy-related material and split section into clear subsections concerning operation and configuration
<b>Chapter 12. Emergency Management</b>			
Article I. In General			
12.1	Short Title	Names the standards	Delete
12.2	Intent and Purpose	Sets out the purpose and intent of the emergency management provisions	Carry forward, and include references to the Emergency Management Plan

Sec. #	Section Title	Description	Recommendation
12.3	Definitions		Relocate to consolidated definitions chapter
12.4	Organization and Appointments	Establishes the Emergency Management agency and its composition	Carry forward
12.5	Day-to-Day Duties and Responsibilities of Town Manager	Sets out the Town Manager's responsibilities during an emergency	Relocate to the Administration chapter
12.6	Emergency Management Plan	References the methods by which the Town Manager applies and modifies the emergency management plan during an emergency	Carry forward
12.7	No Municipal or Private Liability	Clarifies that the Town nor its agent can be held liable for damage to persons or property through the execution of the directives in the emergency management plan	Carry forward
12.8	Implementation	Clarifies that the emergency management plan is triggered upon declaration of a state of emergency	Carry forward with emergency management plan provisions
<b>Article II. State of Emergency</b>			
12.35	Declaration; Restrictions Authorized	<ul style="list-style-type: none"> <li>Sets out the conditions amounting to a state of emergency</li> <li>Authorizes the Mayor to issue proclamations regarding prohibitions and regulations of activity</li> </ul>	Carry forward, but clarify these powers are only available during times of declared emergency
12.36 – 12.42	Restrictions Enumerated	Sets out the variety of restrictions included within a proclamation	Carry forward, but clarify that these restrictions are only in effect during times of a declared emergency
12.43	Amendments to the Proclamation	Allows the Mayor to amend a proclamation	Carry forward
12.44	Removal of Prohibitions and Restrictions	Directs the Mayor to proclaim the ending of prohibitions and restrictions	
12.45	Separate and Superseding Proclamations	Allows the Mayor to amend a proclamation	
12.46	Absence or Disability of Mayor	Allows the Mayor Pro Tempore to exercise the powers of the Mayor during an emergency	
<b>Article III. Hurricane and Storm Reconstruction and Redevelopment</b>			
12.66	Intent	Clarifies the Town's intent to control the issuance of building permits after a storm	Carry forward
12.67	Definitions		Relocate to the consolidated chapter on definitions
12.68	Hurricane and Storm Reconstruction	Sets out the authority and procedure for establishing a post-storm moratorium on new development and reconstruction	Carry forward
12.69	Reconstruction Task Force	Establishes the task force, its composition, and powers and duties	Carry forward
<b>Chapter 14. Fire Prevention and Protection</b>			

Sec. #	Section Title	Description	Recommendation
Article I. In General			
14.1	Combating Fire & Related Emergencies	Authorizes the Town to contract with a Volunteer Fire Department Sets out the duties of the Fire Chief	Relocate Fire Chief duties to Administration chapter
14.2	Fire Investigations	Empowers the Fire Chief to conduct fire investigations	Relocate to powers & duties in Administration chapter
14.3	Authority of Firefighters	Sets out authority of fire fighters	
14.4	Automatic Burglar, Fire Alarms	Includes definitions, permits, application process, issuance, inspection, revocation, appeal, and false alarm provisions	<ul style="list-style-type: none"> <li>Carry forward, but remove burglar alarms</li> <li>Incorporate a fee for multiple false alarms</li> </ul>
14.5	Fire hydrants	Describes annual reporting on fire hydrant system	See Input Summary Matrix in Part 2
Article II. Fire Prevention			
14.27	Definitions	Sets out some definitions	Consolidate with other definitions in new Chapter 4
14.28	Fire Prevention Code Adopted	Cites the adopted fire code	Carry forward
14.29	Applicability		Delete
14.30	Fire Official to Enforce		Relocate with administration provisions
14.31	Permits	References permit requirements for hazardous materials	<ul style="list-style-type: none"> <li>Name permit type</li> <li>Relocate with other hazardous materials</li> </ul>
14.32	Violations	Establishes that failure to comply with adopted fire code is a violation	Consolidate with other violation provisions in new enforcement chapter
14.33	Establishment of limits	Sets out locations and travel routes for hazardous materials	<ul style="list-style-type: none"> <li>Carry forward with other similar standards</li> <li>Clarify exemptions</li> </ul>
14.34	Establishment of fire lanes		See Input Summary Matrix in Part 2
14.35	Inspections	<ul style="list-style-type: none"> <li>Sets out procedure inspection</li> <li>Includes hazard mitigation responsibilities</li> </ul>	<ul style="list-style-type: none"> <li>Clarify inspections process</li> <li>Relocate hazard mitigation duties to administration chapter</li> </ul>
14.36	Fire Limits	Sets out the fire district	Carry forward
14.37	General Regulations	Sets out a variety of fire-prevention related provisions	<ul style="list-style-type: none"> <li>Carry forward but reorganize by topic area</li> <li>Clarify which uses require fire suppression systems</li> </ul>
14.38	Required Permits and Certificates of Fitness	Sets out standards for fire suppression activities conducted by professionals	Carry forward
14.65	Definitions	Sets out the definitions for open burning	Relocate to consolidated definitions chapter
14.66	Exemptions	Sets out allowable open burning activity	Carry forward
14.67	Beach Fires	Prohibits beach fires	Carry forward
14.68	Combustible Materials	Sets out the conditions which items may be burned in the open	See Input Summary Matrix in Part 2
14.69	Prohibited Items	Sets out materials that can not be burned	Carry forward
14.70	Permits	Sets out the requirement for a permit related to open burning	See Input Summary Matrix in Part 2

Sec. #	Section Title	Description	Recommendation
<b>Chapter 16. Flood Damage Prevention</b>			
16.1	Statutory Authorization; Findings of Fact; Purpose and Objectives	Sets out the purpose and objectives for the standards	Carry forward
16.2	Definitions	Flood damage prevention-related definitions	Relocate to consolidated definitions, but include cross reference
16.3	General Provisions	Sets out the general standards regarding how the standards work, appeals, and disclaimers of liability	Carry forward, but reorganize to put procedural information with other procedures material
16.4	Administration	Sets out the floodplain development procedures, procedures for various flood-related certificates, duties of the floodplain administrator, and variance provisions	Carry forward, reorganize slightly, and use more descriptive section titles
16.5	Provisions for Flood Hazard Reduction	Sets out the general and specific floodplain-related standards, including provisions for residential, non-residential, and VE zone standards	Carry forward
<b>Chapter 18. Law Enforcement</b>			
Article I. In General			
18.1	Composition	Sets out the composition of the police department	Policy matter – delete
18.2	Supervision	Clarifies that the Town Manager supervises the department	
18.3	Compensation & Working Conditions		
18.4	Duties of Police Chief	Set out police chief duties	Relocate to Administration chapter
18.5	Duties of Officers	Sets out duties of officer	
18.6	Use of Deadly Force	Clarifies amount of force to be used and when deadly force warranted	See Input Summary Matrix in Part 2
18.7	Off-Duty Responsibilities	Sets out responsibilities and expectations for off-duty officers	Policy matter – delete
18.8	Court Appearances	Clarifies officers must appear in court	Relocate to Administration chapter
18.9	Disciplinary Measures		Policy matter - delete
18.10	Interference with Police Officer	Clarifies that interference with a police officer is illegal	Relocate to chapter on offenses
Article II. Auxiliary Police			
18.39 – 18.47	Various	Sets out provisions establishing the auxiliary police force and its operation	See Input Summary Matrix in Part 2
<b>Chapter 20. Motor Vehicles and Traffic</b>			
Article I. In General			
20.1	Definitions	Sets out the related definitions	Relocate to consolidated chapter on definitions
20.2	Official Traffic Maps	Identifies what must be shown on the required official traffic maps	<ul style="list-style-type: none"> <li>Relocate to chapter on streets, sidewalks, and public property</li> <li>Remove requirements to show items except for traffic signals and stop signs</li> </ul>

Sec. #	Section Title	Description	Recommendation
20.3	Authority of Police	Authorizes police to direct traffic in emergencies	Carry forward
20.4	Compliance of Public Employees		Policy-related; delete
20.5	Compliance of Persons Propelling Pushcarts, Riding Animals		Carry forward in reorganized section on operation of non-motorized vehicles
20.6	Boarding or Leaving a Vehicle in Motion	Clarifies unlawfulness	Carry forward in operation of motorized vehicles section, but remove provisions covered under state law
20.7	Riding in a Portion not Intended for Passengers		
20.8	Entering or Riding Without Owner Consent		
20.9	Hanging Out of or Into Vehicles		
20.10	Attaching Motorcycle, Bicycle, or Toy Vehicle to Motor Vehicle		
20.11	Use of Roller Skates, Toy Vehicles, etc. on Streets and Paths	Sets out rules for operation of these devices	<ul style="list-style-type: none"> <li>Carrying forward in operation of non-motorized vehicle section</li> <li>Add a provision allowing skates, scooters, and skateboards in shopping centers with owner's permission</li> </ul>
<b>Article II. Traffic Control Devices</b>			
20.69	Obedience to Instructions of Official Devices	Requires compliance with traffic control devices	Suggest relocation to chapter on streets, sidewalks, etc.
20.70	Installation, Unauthorized Removal or Theft	Clarifies installation only in accordance with Traffic Map	
20.71	Limited Regulatory/Other Types; Approval When Signs Required	Allows Town Manager to approve some control devices after entering them on the traffic map	Revise this requirement to simply show traffic signals and stops signs
20.72	Required	Clarifies violations not enforced if signs improperly posted	Suggest relocation to chapter on streets, sidewalks, etc.
<b>Article III. Operation of Vehicles</b>			
20.103	Driving Through Funeral Processions	Clarifies unlawfulness	Relocate to section on operation of a motor vehicle
20.104	Overcrowding or Overloading of Vehicle		
20.105	Emerging from Alley or Private Driveway	Requires stopping and yielding before entering traffic	
20.106	Backing	Establishes expectations for safe operation while backing a vehicle	
20.107	Riding Bicycle or Motorcycle; Passenger on Handlebars	Clarifies unlawfulness	Relocate to section on operation of a non-motorized vehicle
20.108	Driving on Sand Dunes		

Sec. #	Section Title	Description	Recommendation
20.109	Driving or Landing Aircraft on Beaches	Establishes when unlawful or not	<ul style="list-style-type: none"> <li>Suggest relocation to a section related to operation of vehicles on the beach</li> <li>Clarify allowance for Town and government vehicles to operate on the beach</li> </ul>
20.110	Speed Limits	Establishes the maximum speed limit as 25 unless otherwise posted Requires compliance with posted speed	Relocate to chapter on streets, sidewalks, and public property
20.111	Yield Intersection	Sets out expected driver action when encountering this feature	Carry forward with provisions related to operation of a motorized vehicle
20.112	Stop Intersections		
20.113	One-Way Streets		
20.114	School Zones		
20.115	Vehicle Weight Limit Restriction	Sets out the maximum weight limits and exemptions	Carry forward in its own section
<b>Article IV. Stopping, Standing, and Parking</b>			
20.142	Purposes	Sets out the purposes	Carry forward
20.143	Penalties	Authorizes the police to issue parking citations	Relocate to chapter on enforcement
20.144	Traffic Map	References the traffic map	Relocate with other street-related material
20.145	Prohibited in Specified Places	Identifies the locations where on-street parking is prohibited	Carry forward, but remove reference to parking prohibition on NC 12
20.146	Parking on Certain Streets	Sets out prohibitions for parking on some streets	
20.147	Standing or Parking for Certain Purposes	Limits standing or parking of vehicles as part of specified activities	
20.148	Parking Prohibited on Residential Roadways	Limits on-street parking on residential streets	
20.149	Parking Permit	Sets out conditions when parking in residential areas may be permitted	Carry forward
<b>Division 2 – Abandoned, Nuisance, and Junked Motor Vehicles</b>			
20.167	Administration	Sets out the police and Town Manager as the authorities to administer these provisions	Relocate to the Administration chapter
20.168	Definitions	Sets out the definitions	Relocate to the definitions article
20.169	Abandoned Vehicle Unlawful	Prohibits the owner of a car to render it abandoned, a nuisance, or junked	Carry forward
20.170	Nuisance Vehicle Unlawful		
20.171	Junked Motor Vehicle Regulated		
20.172	Removal of Abandoned, Nuisance, or Junked Vehicles; Pre-towing Notice Requirements	Sets out the requirements for owner notification prior to removal of a abandoned, nuisance, or junked vehicle	Carry forward
20.173	Exceptions to Prior Notice Requirement	Establishes the situations when pre-towing notice is not required	Carry forward
20.174	Removal of Vehicles; Post-	Sets out the requirements for owner notification following removal of a vehicle	Carry forward

Sec. #	Section Title	Description	Recommendation
	towing Requirements		
20.175	Right to Probable Cause Hearing	Allows for a vehicle's owner to request a hearing to determine if probable cause for removal existed	Carry forward
20.176	Redemption of Vehicle During Proceedings	Sets out the requirements for an owner to recover their vehicle	Carry forward
20.177	Sale & Disposition of Unclaimed Vehicle	Clarifies that the towing firm may dispose of any unclaimed vehicle	Carry forward
20.178	Conditions on Removal of Vehicles from Private Property	Clarifies that the Town will not remove a vehicle from private property	Carry forward
20.179	Protection Against Criminal or Civil Liability	Protects person disposing of a vehicle under these provisions	Carry forward
20.180	Exceptions	Specifies vehicles that are exempted from these standards	Carry forward, but relocate to the beginning of the standards
20.181	Unlawful Removal of Impounded Vehicle	Clarifies that it is unlawful to remove an impounded vehicle	Carry forward
<b>Article V. Enforcement</b>			
20.201	Traffic Violations Bureau	Establishes the traffic bureau	Remove; Town Clerk processes fees
20.202	Ticketing of Vehicles	Sets out the authorization and procedure for ticketing	Carry forward, but relocate to new chapter on enforcement
20.203	Civil Penalty for Traffic Violations	Describes the procedure for violations	
<b>Article VI. Bicycle Safety Regulations</b>			
20.230	Operation Regulated	Sets out the standards for operation of a bicycle	Carry forward with other non-motorized vehicle operating provisions
<b>Chapter 22. Offenses and Miscellaneous Provisions</b>			
<b>Article I. In General</b>			
22.1	Disorderly Conduct	Describes unlawful conduct	Carry forward in new enforcement chapter
22.2	Conditions Blocking or Damaging Streets, etc.	Prohibits the blocking of streets	
22.3	Noises Prohibited	Identifies the range of noises or noise-making activity that is prohibited	Revise the noise ordinance to address activities, decibel limits, and duration
22.4	Firearms, Explosives, etc.; Discharge Prohibited in Certain Areas of Town	Sets out the standards regarding discharge of firearms, fireworks, or explosives	Carry forward in new enforcement chapter
22.5	Shooting or Discharge of Arrows Prohibited	Prohibits use of a bow and arrow except for archery on private property	
22.6	Responsibility of Parents or Guardians	Identifies parents as responsible for youth violation with respect to use of weapons	Replace with responsible persons section
22.7	Confiscation of Guns, Animal Traps	Allows the police to confiscate any weapon used in violation of the Town Code	Carry forward

Sec. #	Section Title	Description	Recommendation
22.8	Poster, Signs, Etc., Posting on Buildings or Poles	Prohibits the posting of signs, posters, or bills on poles, buildings, utility equipment, street furniture, etc.	Carry forward
22.9	Landing of Helicopters Prohibited	Prohibits landing of helicopters except in authorized areas, or action by government	Carry forward
22.10	Public Urination Prohibited		Carry forward in disorderly conduct section
<b>Article II. Nuisances</b>			
22.39	Certain Conditions Declared Nuisances	Identifies a series of actions, activities, or conditions as nuisances in violation of the Town Code	Carry forward in new consolidated enforcement chapter
22.40	Investigation of complaints	Sets out the procedure for investigation of a nuisance claim	Carry forward in abatement procedure
22.41	Notice and Order to Abate on Finding of Existence	Sets out the procedure for notice to an owner ordering abatement	Carry forward
22.42	Abatement by Town - Generally	Sets out the procedure for the Town to abate a nuisance after 15 days from notice	Carry forward
22.43	Abatement by Town - Costs	Clarifies that the Town may assess the landowner for the costs of abatement of a nuisance	
22.44	Remedies & Penalties	Clarifies the range of remedies and penalties available	Replace with new section on remedies
<b>Article III. Camping</b>			
22.62	Definitions	Sets out the related definitions	Relocate to consolidated definitions chapter
22.63	Compliance with Article	Clarifies that open air camping is prohibited except in accordance with this article	Carry forward
22.64	When Open Air Camping Permitted	Limits the age of persons and locations where camping is permitted	
<b>Chapter 24. Planning</b>			
<b>Article I. In General</b>			
24.1	Penalties	Sets out the range of available remedies for violation	Carry forward in new chapter on enforcement
24.2	Area in extraterritorial jurisdiction	Sets out the areas where the Town's planning and zoning jurisdiction is applied	Carry forward, but relocate to the Applicability material in Chapter 1
<b>Article II. Planning Board</b>			
24.23 – 24.27	Various	Sets out the composition, terms, authority, and powers and duties of the Planning Board	Relocate to the chapter on administration
<b>Article III. Property Numbering</b>			
24.58	Map Adopted	Sets out and establishes the Property Numbering Map	Carry forward in chapter on buildings and building regulations
24.59	Base Lines, Numbering Systems, Exceptions	Describes the methodology for assigning numbers to lots and new development	
24.60	Display of Numbers	Requires numbers to be displayed and be visible from the street	

Sec. #	Section Title	Description	Recommendation
24.61	Responsibility of Building Inspector	Ensures property numbers are visible prior to issuance of certificate of occupancy/compliance	Relocate to zoning chapter
24.62	Numbers for Future Subdivisions	Requires plats to name all streets and number all proposed lots	Relocate to subdivision chapter
24.63	Defacing Numbers	Indicates removal or obstruction of numbers as a violation	Relocate to enforcement chapter
<b>Chapter 26. Solid Waste</b>			
26.1	Purpose and Statutory Authority	Sets out the purpose for the standards and the authority to regulate	Carry forward
26.2	Definitions		Relocate to consolidated chapter on definitions
26.3 – 26.6	Receptacle Requirements; Standards	Series of sections that set out the solid waste and recycling container requirements for residential and commercial land uses, including the minimum number of containers and where they must be placed for pick up	<ul style="list-style-type: none"> <li>Carry forward</li> <li>Clarify that the Town does not pick up construction debris</li> <li>Clarify and strengthen waste receptacle standards for single family homes</li> <li>Revise the standards requiring removal of receptacles from the ROW within 24 hours - unenforceable</li> </ul>
26.7	Solid Waste Collection fee and Charge	References property tax bill for payment	Delete
26.8	Pickup Schedules for Solid Waste	Sets out the schedule for regular solid waste collection as well as special pick up	Policy-related; delete
26.9	Source Separation and Recycling	Sets out the requirements for separation of recyclables, what items can be recycled, and describes the pick up procedure	Carry forward
26.10	Construction and Demolition Sites	Sets out the standards for solid waste containers and debris removal for construction sites	Carry forward
26.11	Notice of Violation or Nonconformity	Sets out the procedures for notice of violation regarding refuse container or collection site	Relocate to enforcement provisions
26.12	Storage of Solid Waste and Trash	<ul style="list-style-type: none"> <li>Sets out the limitations on yard waste and accumulation of trash</li> <li>Allows yard waste being chipped to be stored on the ROW</li> </ul>	<ul style="list-style-type: none"> <li>Carry forward, but consolidate with other receptacle requirements</li> <li>Revise to ensure consistency with Town's branch collection program</li> </ul>
26.13	Maintenance to Edge of street	Requires landowners to maintain their lands to the edge of the pavement	Carry forward, but revise to clarify that landowners are not required to maintain the public right-of-way
26.14 – 26.19	Various prohibited acts	Sets out a variety of unlawful acts related to solid waste storage or placement	<ul style="list-style-type: none"> <li>Carry forward, but consolidate redundancies with regard to litter</li> <li>Remove references to recycling aluminum cans</li> </ul>
26.20	Enforcement; Penalties	Includes a cross reference to enforcement provisions in Chapter 1	Relocate to enforcement provisions

Sec. #	Section Title	Description	Recommendation
26.21	Licensing of Solid Waste Collectors	Sets out standards, application review, issuance, and revocation procedures for solid waste collectors	Carry forward but review for consistency with national best practice
<b>Chapter 28. Streets, Sidewalks, and Other Public Property</b>			
28.1	Smoking in municipal buildings	Prohibits smoking in town buildings and facilities	<ul style="list-style-type: none"> <li>• Carry forward</li> <li>• Relocate definitions to definitions chapter</li> <li>• Relocate violation-related material to enforcement chapter</li> <li>• Add use of vapor-related products</li> </ul>
28.2	Obstructions in Right-of-Way Declared Public Nuisances	<ul style="list-style-type: none"> <li>• Limits obstructions in the right-of-way</li> <li>• Sets out exempt structures allowed in ROW</li> </ul>	Carry forward, but relocate obstruction definition to definitions chapter
28.3	Encroachment Agreements	Sets the ability and procedure for encroachment agreements which allows certain features to be located within the public right-of-way	<ul style="list-style-type: none"> <li>• Carry forward, but allow the Town Manager to delegate authority to the Police Chief</li> <li>• Add language that limits some encroachments to the edge of the pavement</li> </ul>
28.4	Trees	Sets out the standards for removal of various types and sizes of vegetation from the Town ROW	Carry forward
28.5	Abatement by Town	Allows the Town or public service workers to remove or cause to remove obstructions in the ROW that endanger public safety or Town operation	Carry forward
28.6	Costs	Clarifies that the Town will charge the person responsible for an obstruction for the cost of its removal	Carry forward
28.7	Remedies and Penalties	Cross references the remedies set out in current chapter 1	Relocate to chapter on enforcement
28.8	Administration and Fees	Establishes the costs associated with execution of an encroachment agreement	Carry forward but relocate with similar provisions
<b>Chapter 30. Subdivisions</b>			
<b>Article I. In General</b>			
30.1	Short Title	Sets out the title	Carry forward
30.2	Definitions	Sets out the subdivision-related definitions	Relocate to the definitions chapter
30.3	Authority; Enactment		Replace with statutory authority section
30.4	Jurisdiction	Describes the extent of applicability	Carry forward
30.5	Purpose	Sets out the purpose for the subdivision standards	Carry forward and supplement with intent standards
30.6	Exceptions	Allows the Planning Board to modify the subdivision standards at their discretion	Delete, violation of due process
30.7	Variances	Sets out the procedure for Town Council to consider a variance to the subdivision standards	Revise to recognize the BOA approves variances
30.8	Amendments	Describes the procedure for amending the chapter	Delete in favor of amendment procedure in new Chapter 1

Sec. #	Section Title	Description	Recommendation
30.9	Conflict of Provisions	Indicates that in cases when these standards conflict with the zoning provisions, the more stringent standard prevails	Carry forward but recognize that in some cases, the more stringent standard should not always prevail
Article II. Procedures			
30.39	Administrative Provisions	Sets out the ability to adopt and amend the rules of procedure for review of subdivisions	Delete – rely on provisions in new Chapter 2
30.40	Submission of Sketch Plan and General Information	Sets out the requirements for a sketch plan submittal, its contents, and the procedure for review	<ul style="list-style-type: none"> <li>Carry forward, but better distinguish between a sketch plan and a preliminary plat</li> <li>Suggest sketch plan be maintained as a prerequisite to filing a preliminary plat</li> <li>Specify the standards of review</li> <li>Clarify the effect of approval of a preliminary plat (such as construction of infrastructure)</li> </ul>
30.41	Submission of Final Plat	Sets out the procedure for review of a final plat	<ul style="list-style-type: none"> <li>Carry forward, but specify the submittal procedures</li> <li>Clarify the relationship to a preliminary plat</li> <li>Supplement text with certifications to be included on the final plat</li> </ul>
30.42	Recording of Final Plat	Requires the final plat to be recorded within 6 months of approval	Carry forward, but clarify the effect of approval of a final plat (such as ability to obtain a building permit or convey lots)
30.43	Alternatives to Final Plat Approval	Sets out the ability to provide a performance guarantee in lieu of completion prior to approval of a final plat	<ul style="list-style-type: none"> <li>Specify if private site features must be completed or can be secured via guarantee</li> <li>Revise for consistency with changing state law</li> </ul>
Article III. Permanent Reference Points; Improvements			
30.75	Permanent Reference Points	Sets out the requirements for permanent reference points	Carry forward under design standards
30.76	Installation of Improvements	Requires that a portion of streets be built, all public or private water/wastewater be installed, and that all land preparation be accomplished	<ul style="list-style-type: none"> <li>Reconcile with alternatives for final plats</li> <li>Clarify that private water or wastewater requirements apply to 'centralized' systems, not systems on individual lots</li> <li>Remove references to required base course for roadways</li> </ul>
Article IV. Minimum Standards of Design Generally			
30.96	General Requirements	Sets out general standards for subdivision lot and street layout	<ul style="list-style-type: none"> <li>Consolidate with other subdivision design standards</li> <li>Revise standards that rely on the discretion of the Planning Board in favor of codified standards</li> </ul>
30.97	Design Standards	Sets out the specific standards for roads, lots, easements, and Buffer strips	Carry forward
Article V. Plat Requirements			

Sec. #	Section Title	Description	Recommendation
30.123	Sketch Plan	Sets out the plan submittal requirements	Carry forward with each type of plan/plat
30.124	Preliminary Plat		
30.125	Final Plat		
<b>Chapter 32. Utilities</b>			
<b>Article I. In General</b>			
32.1	Definitions	Sets out the definitions	<ul style="list-style-type: none"> <li>Relocate to consolidated chapter on definitions</li> <li>Carry forward notation regarding undefined terms</li> <li>Remove references to DHR in favor of DEQ</li> </ul>
32.2	Public Protection	Clarifies purpose for standards	Relocate to purpose and intent
32.3	Wastewater Management	Establishes the requirements for a wastewater permit	Relocate to authority
32.4	Planning Board Review	Identifies the Planning Board as the agency responsible for review for compliance with this chapter	Relocate to Administration chapter
32.5	Community, Non-community and Private Wastewater Systems	Sets out the general requirements for wastewater management systems	Carry forward in the standards portion of the chapter
32.6	Application for Permits	Sets out the requirements for a Wastewater System Permit	<ul style="list-style-type: none"> <li>Carry forward</li> <li>Revise temporary use permit to temporary wastewater permit</li> </ul>
32.7	Location of Wastewater Systems	Sets out the limitations on locations for wastewater management systems	Carry forward with other standards
32.8	Connections that Cross Town Jurisdictional Limits	Sets out the limits for connections wastewater systems outside Town	
32.9	Design and appearance compatibility	Sets out the compatibility (setback) and appearance-related standards	
32.10	Nuisances; Complaints and Abatements	Sets out the procedure for notification and abatement of nuisance	Relocate to enforcement chapter
32.11	Right to Enter Premises	Clarifies the right of the Town to enter and inspect permitted wastewater systems	
32.12	Wastewater System Improvements Under Supervision of Town	Sets out the requirement that wastewater construction take place under town supervision	Carry forward with permitting procedures
<b>Article II. Enforcement</b>			
32.43	Duties of Owner Upon Unlawful Discharges	Requires reporting requirements for wastewater system malfunction and proposed response	Carry forward with permit-related provisions
32.44	Penalties for Violation	Sets out the penalties for violation of the standards	Relocate to enforcement chapter
32.45	Injunction & Abatement	Sets out the ability to enjoin operate of a wastewater system operated in violation of these standards	
32.46	Termination of Service; Revocation of Permits	Sets out the range of remedies available to the Town for addressing violations of this chapter	

Sec. #	Section Title	Description	Recommendation
32.47	Notice & Hearing	Requires the Town to ensure due process prior to violation notice or application of remedies	
Article III. Permits; Reports; Administration			
32.68	Permit Conditions	Sets out the range of wastewater permit conditions, including duration, transfer, and revocation	Carry forward with the permit provisions
32.69	Wastewater System Monitoring Requirements	Sets out the standards for wastewater system owners to provide monitoring and reports to the Town	<ul style="list-style-type: none"> <li>Carry forward in a new section on monitoring</li> <li>Clarify that DEQ conducts monitoring, not the Town</li> </ul>
32.70	Administration of Monitoring and Inspection Reports	Clarifies that owners with site security must make arrangements to allow for inspections	Relocate with other monitoring provisions
Article IV. Wastewater Management Practices			
32.99	Planning Application	Sets out the application submission, review, and modification provisions associated with development proposing a wastewater management system	Consolidate with permit-related material in Article I
32.100	Wastewater Facilities Plan	Sets out the wastewater facilities plan requirements associated with development other than single-family housing	Consolidate with other permit-related information
32.101	Site Evaluation Certification	Sets out the requirements for a soil absorption report associated with an on-site wastewater system	
32.102	Plans and Specifications	Establishes the individual wastewater plan requirements	
32.103	Compliance with County and State Regulations	Clarifies that wastewater systems must comply with all applicable state and federal requirements	Carry forward with standards requirements
32.104	Construction Supervision and Inspection	Sets out the construction process for a wastewater management system and clarifies the ability of the Town to conduct inspections	Carry forward
32.105	Certificate of Compliance	Sets out the requirement for a certificate of compliance associated with a wastewater management system prior to occupancy	Carry forward with other permit requirements
32.106	Operation Certification	Sets out the requirements prior to issuance of a operation permit (Operation certification?)	
32.107	Wastewater System Operation	Sets out the authority of the Town to provide notice of violation or pursue other remedies for violations	Relocation to enforcement section
32.108	Wastewater System Maintenance	Requires regular evaluations of wastewater management system	Carry forward with other monitoring requirements
32.109	Prohibitions of Wastewater Discharges	Sets out prohibited discharges into a wastewater management system	Relocate to enforcement section
32.110	Prohibition of Inflow Sources	Sets out the range of prohibited inflow sources into a wastewater management system	
<b>Chapter 34. Waterways and Beaches</b>			
Article I. In General			

Sec. #	Section Title	Description	Recommendation
Article II. Waterway and Canal Maintenance			
34.19	Definitions	Sets out the definitions	Relocate to chapter on definitions
34.20	Authority	Sets out the jurisdictional limits for enforcement	Relocate to subsection on authority and reference statutory authority
34.21	Scope	Establishes where the Town will permit bulkheads, docks, and pilings	Carry forward with other similar material, suggest supplementing with a map
34.22	Maintenance	Sets out the requirements for removal of obstructions (like tree limbs) by landowners along some waterways	<ul style="list-style-type: none"> <li>Carry forward, but clarify distinctions between debris removal along the banks versus debris removal within the area where presence of debris is considered a nuisance versus area where the Town will maintain clear path</li> <li>Consider updating graphic</li> </ul>
34.23	Wakes; Speed Limit	Sets out the expectations for boat operation	Carry forward, but consider addressing both motorized and non-motorized craft
34.24 –	Docks, Bulkheads, and Pilings, Generally	<ul style="list-style-type: none"> <li>Clarifies that no boat may be moored without a dock, bulkhead, or piling</li> <li>Clarifies town and state permits are required</li> </ul>	Carry forward with similar provisions
34.25	Docks, Bulkheads, and Pilings, Construction	Sets out the construction requirements for these features	Carry forward, but clarify the protrusion provisions
34.26	Existing Structures	Exempts docks, bulkheads, and pilings constructed prior to 4.3.84	Carry forward with similar provisions
34.27	Civic Association-Owned Property	Clarifies SSCA lands bordering water are subject to these standards except for the number of docks and maximum dock length	Carry forward with similar provisions
34.28	Use of Waterways	<ul style="list-style-type: none"> <li>Prohibits commercial use of docks and waterways</li> <li>Prohibits live-aboards in Town waters</li> </ul>	Carry forward
34.29	Leasing of Town Property	Includes provisions addressing the lease of waterfront land from the town for construction of a dock or bulkhead	Carry forward
34.30	Boathouses	Clarifies that boathouses are regulated in accordance with the zoning ordinance	Relocate to the zoning chapter
Article III. Beach and Waterway Usage			
34.51	Surfing	Sets out the rules for operation of a surfboard	Carry forward
34.53	Swimming Prohibited During Dangerous Conditions	<ul style="list-style-type: none"> <li>Sets out limitations for swimming during dangerous conditions</li> <li>Require rental properties to post rules regarding swimming</li> </ul>	<ul style="list-style-type: none"> <li>Confirm if radio announcements are indeed conducted</li> <li>Suggest removing requirement for posting in rental property in favor of posting via sign at beach access points</li> </ul>
34.54	Prohibition of Motorized Vessels	Prohibits motorized vehicles on Dusk Woods Pond	Carry forward

Sec. #	Section Title	Description	Recommendation
	on Duck Woods Pond		
34.55	Beach and Dune Management	<ul style="list-style-type: none"> <li>Includes definitions</li> <li>Lists prohibited activities on the beach and on the dunes as well as exemptions</li> </ul>	Carry forward
<b>Article IV. Coastal Area Management</b>			
34.75	Definitions	Sets out CAMA definitions	Remove section in favor of references to CRC, DCM rules
34.76	Injunctive Relief and Penalties; Notice	Sets out the responsibilities of the permit officer in notifying the Town and NCDCCR	
34.77	Compliance with Law		
34.78	Purposes	Sets out the purposes for the article	
34.79	Geographic Jurisdiction	Sets out the boundaries for the standards	
34.80	Designated Local Official	Establishes the position of the local permit officer and their powers, duties, and responsibilities	
34.81	Minor Development Permits	Sets out the procedures for minor development permits	
34.82	Appeal of Minor Development Permit Disposition	Sets out the procedure for appeals of minor development permit decisions	
34.83	Amendment of Article	Sets out the procedure for amending the article	
34.84	Investigation of Failure to Enforce or Administer	Establishes requirements for Planning Board to investigate if noticed is received from the CRC	
<b>Chapter 36. Zoning</b>			
<b>Article I. In General</b>			
36.1	Title and Enactment	<ul style="list-style-type: none"> <li>Sets out the purpose for the zoning chapter</li> <li>Identifies the date of adoption and amendment</li> </ul>	<ul style="list-style-type: none"> <li>Revise to reference title</li> <li>Relocate purpose statements to purpose section</li> <li>Supplement with authority section to identify enabling legislation</li> <li>Include an effective date provision</li> </ul>
36.2	Short Title	Sets out the chapter title	Carry forward
36.3	Purpose	References purpose statements in statutes	<ul style="list-style-type: none"> <li>Carry forward, but customize purpose statements for consistency with land use plan and other adopted Town planning documents</li> <li>Supplement with intent statements</li> </ul>
<b>Article II. Establishment of Zoning Districts and Provision for Zoning Map</b>			
36.25	Official Zoning Map	<ul style="list-style-type: none"> <li>Identifies the zoning map and its purpose</li> <li>Identifies map certification statement</li> <li>Identifies the Official version</li> </ul>	<ul style="list-style-type: none"> <li>Include with zoning district-related material</li> <li>Carry forward, but also incorporate by reference</li> </ul>

Sec. #	Section Title	Description	Recommendation
36.26	Rules Governing the Interpretation of District Boundaries	Sets out the rules for interpreting the zoning map	<ul style="list-style-type: none"> <li>Carry forward with other zoning material</li> <li>Identify who interprets the map</li> </ul>
Article III. Interpretation and Definition of Terms			
36.56	Interpretation of Common Words and Terms	Sets out the rules of language construction	Consolidate with similar rules in new Chapter 1
36.57	Definition of Specific Terms and Words	Sets out the definitions used in the zoning provisions	<ul style="list-style-type: none"> <li>Consolidate with definitions in new Chapter 4</li> <li>Ensure all use types are defined</li> <li>Remove standards from definitions</li> </ul>
Article IV. Application of Regulations			
36.88	Territorial Application	Identifies the area where zoning jurisdiction is applied	<ul style="list-style-type: none"> <li>Relocate to applicability section</li> <li>Clarify how regulations apply in submerged lands</li> </ul>
36.89	Use, Occupancy and Construction	<ul style="list-style-type: none"> <li>Clarifies that no use of land or development shall take place except in accordance with these standards</li> <li>Indicates unlisted uses are prohibited</li> </ul>	<ul style="list-style-type: none"> <li>Relocate to applicability section</li> <li>Replace language indicating unlisted uses are prohibited with new provisions that list prohibited uses and that establish a process for classifying unlisted uses</li> </ul>
36.90	Height, Bulk, Density, Lot Coverage, Yards and Open Spaces	Clarifies that uses, building, and lots shall comply with the terms of the chapter	Carry forward in the applicability section
36.91	Computation of Required Spaces	<ul style="list-style-type: none"> <li>Clarifies that required elements on one lot (yard, parking, open space, etc.) may be used to fulfill the requirements on another lot</li> <li>Prohibits bifurcation of a lot by a road or body of water</li> </ul>	<ul style="list-style-type: none"> <li>Carry forward in applicability section</li> <li>Remove prohibition on lot bifurcation</li> <li>Clarify what is meant regarding "contiguous minimum square footage"</li> </ul>
36.92	Reduction of Lots or Areas Below Minimum	<ul style="list-style-type: none"> <li>Indicates that no lot created after 7.7.81 shall have an area below minimum requirements</li> <li>Requires lots created after 7.7.81 to meet minimum lot standards</li> </ul>	Carry forward with district dimensional requirements, but recognize cases when governmental actions reduce lot size
36.93	Classification of Added Territory	Clarifies that all land annexed or added to the ETJ shall be designated as RS-1	Delete
36.94	One Principal Building on Any Lot	Limits the total number of principal buildings to one per lot	Consider revising to recognize group or multi-building development
36.95	Lot Access Requirements	<ul style="list-style-type: none"> <li>Limits issuance of a building permit for structures on lots with lot widths of less than 30 feet</li> <li>Requires all single-family homes to have a driveway of at least 8 feet in width</li> <li>Requires all residential lots to include a 10' x 10' turnaround area adjacent to the driveway</li> </ul>	<ul style="list-style-type: none"> <li>Address lot width issue with district dimensional standards</li> <li>Relocate driveway and turnaround standards to use-specific standards</li> </ul>

Sec. #	Section Title	Description	Recommendation
36.96	Vision Clearance at Intersections	Sets out sight distance triangle standards for corner lots	Include in rules of measurement standards, and revise to address all lots, not just corner lots
36.97	Walls and Fences	<ul style="list-style-type: none"> <li>Sets out fence and wall height standards</li> <li>Clarifies that fences and walls may be located in setbacks</li> </ul>	Relocate to development standards in a section called fences and walls
36.98	Structures Excluded from Height Limitations	Sets out the procedure for the BOA to consider increases in height of up to 4 feet beyond the roofline for some uses	<ul style="list-style-type: none"> <li>Relocate to rules of measurement</li> <li>Re-write to address confusion (this is not a variance, it is a waiver)</li> <li>Clarify how these provisions relate to communications equipment</li> </ul>
36.99	Ocean Dune Platforms, Walkway, Steps	Sets out the standards and exceptions for these features when proposed on dunes	Carry forward as accessory use standards
36.100	Beach Obstacles	Prohibits obstructions on the beach after the first line of vegetation	Relocate to waterways and beaches chapter
36.101	Habitable Floors	Clarifies that the space above a wall's top plate is not considered habitable space, and shall not be used as such	Relocate to the rules of measurement
<b>Article V. Nonconformities</b>			
36.131	Intent	Recognizes that nonconformities (lost, structures, uses, characteristics) exist and are permitted to continue but not become increased	<ul style="list-style-type: none"> <li>Carry forward with other nonconforming provisions</li> <li>Clarify that maintenance is allowed and encouraged</li> <li>Clarify Town's ability to enjoin nonconforming activity for purposes of life safety</li> </ul>
36.132	Regulation of Structures and Uses Nonconforming	<ul style="list-style-type: none"> <li>Sets out the standards for nonconforming lots, nonconforming uses, and nonconforming structures</li> <li>Sets out a limit to the amount of repair and maintenance that may be undertaken on a nonconforming structure</li> </ul>	<ul style="list-style-type: none"> <li>Split this section into a series of topic-related sections</li> <li>Remove dollar figure with respect to continuance of nonconforming uses to continue</li> <li>Clarify that signage and accessory uses associated with an abandoned nonconforming use must also be extinguished</li> <li>Clarify the term "replacement cost" with respect to reconstruction of a nonconforming structure suffering casualty damage</li> <li>Simplify and clarify the section on nonconforming uses of buildings – ensure no inconsistency with other nonconformity sections</li> <li>Revise the section capping "maintenance" activities at 10% of value; maintenance should be allowed, improvement should not</li> </ul>

Sec. #	Section Title	Description	Recommendation
			(except when improvement promotes life safety)
Article VI. General Provisions			
36.163	Off-street Parking Requirements	Sets out the off-street parking standards	<ul style="list-style-type: none"> <li>Revise this section to present minimum parking requirements in a summary table</li> <li>Establish a new section on parking lot configuration</li> <li>Include a section on operation and maintenance</li> <li>Relocate landscaping provisions to the landscaping section</li> <li>Consider including standards for residential uses used as rentals</li> </ul>
36.164	Water Supply and Sewage Disposal Requirements	Clarifies that the Inspector will not issue a building permit without approval from the appropriate authorities	Carry forward
36.165	Regulations Governing Signs	Sets out the standards for signage	<ul style="list-style-type: none"> <li>Revise section structure for greater clarity and ease of use</li> <li>Remove references to individual noncommercial sign types for compliance with Reed decision</li> </ul>
36.166	Outdoor Lighting	Sets out the lighting standards	<ul style="list-style-type: none"> <li>Carry forward with minimal revision</li> <li>Consider provisions limiting glare on ocean beaches</li> <li>Address visibility of source of illumination from off-site areas</li> </ul>
36.167	Parking, Storage, or Use of Recreational Equipment	Limits the ability to reside in a recreational vehicle	Carry forward as a use standard
36.168	Temporary Uses	Sets out a range of temporary uses	<ul style="list-style-type: none"> <li>Relocate to other use standards</li> <li>Clarify a temporary use permit is required</li> <li>Consider broadening to address other temporary uses, including family care structures</li> </ul>
36.169	Access to Main Thoroughfares	Sets out access standards for lots along some streets in an effort to avoid congestion on major thoroughfares	Carry forward in development standards
36.170	Electrical and Communication Service	Requires new electrical and communication service extensions to be located underground	Carry forward in development standards
36.171	Lot Disturbance and Stormwater Management	Sets out the requirements for compliance with stormwater management provisions	<ul style="list-style-type: none"> <li>Carry forward in development standards</li> <li>Consider adding limitations on fill that result in run-off on adjacent land</li> </ul>
36.172	Sexually Oriented Businesses	Sets out the rationale for prohibition of sexually-oriented businesses	Carry forward with no changes
36.173	Buffers and Landscaping Requirements	Sets out the landscaping provisions	<ul style="list-style-type: none"> <li>Relocate definitions</li> <li>Illustrate buffer types</li> <li>Incorporate parking lot landscaping standards</li> </ul>

Sec. #	Section Title	Description	Recommendation
			<ul style="list-style-type: none"> <li>Specify range of uses allowed in landscaping areas</li> <li>Consider adding credit for retention of existing trees</li> </ul>
36.174	Screening Natural Gas Facilities	Sets out the screening standards for natural gas facilities	Relocate to use-specific standards
36.175	Wireless Telecommunications Sites and Towers	Sets out the standards for telecommunications facilities	<ul style="list-style-type: none"> <li>Carry forward, but revise for compliance with changing state law</li> <li>Relocate definitions</li> <li>Relocate with other use standards</li> </ul>
36.176	Wind Energy Facilities	Sets out the standards for wind energy facilities	<ul style="list-style-type: none"> <li>Carry forward</li> <li>Relocate definitions</li> <li>Relocate with other use standards</li> </ul>
<b>Article VII. Schedule of District Regulations</b>			
36.202	RS-1 Single-Family Residential District	Sets out district intent, range of uses, and dimensional requirements	<ul style="list-style-type: none"> <li>Reformulate district standards to be more graphically intensive</li> <li>Relocate uses to a summary use table</li> <li>Consolidate dimensional standards into district-based summary table</li> <li>Consider including photos of preferred development types</li> </ul>
36.203	RS-8 Multifamily Residential District		
36.204	RS-10 Residential District		
36.205	R-1 Low-density Residential District		
36.206	Government and Institutional District		
36.207	C General Commercial District		
36.208	OSW Ocean and Sound Waters District		
<b>Article VIII. Home Occupation/Home-based Business Regulations</b>			
36.239	Requirements Apply to Conduct	Clarifies standards apply in Southern Shores	Delete
36.240	General Standards	Sets out the purposes, standards, and prohibited activities	<ul style="list-style-type: none"> <li>Carry forward with other accessory use provisions</li> <li>Reorganize to separate purpose from standards</li> </ul>
36.241	Permitted Use	Includes additional standards for these uses	Incorporate with other standards
36.242	Prohibited Characteristics	Identifies prohibited characteristics of use	
<b>Article IX. Planned Unit Development</b>			
36.263	Planned Unit Development (PUD) Concept	Sets out the definitions, intent, location, requirements for plan approval, amendments to plans, and time limits for planned unit developments	<ul style="list-style-type: none"> <li>Consider establishing PUDs through the legislative rezoning process, subject to a master plan submitted with the request</li> <li>Relocate definitions</li> <li>Create a purpose and intent section</li> <li>Clarify expectation for PUDs in general (superior design and quality)</li> </ul>

Sec. #	Section Title	Description	Recommendation
36.264	Development Plan Review Procedure	Sets out the review procedure for PUD applications	<ul style="list-style-type: none"> <li>Consider treating as a legislative rezoning review instead of a quasi-judicial conditional use review</li> <li>Relocate procedure to with other procedural material</li> <li>Suggest treating subsequent plan review as a site plan (master plan reviewed/approved by Council)</li> </ul>
36.265	Planned Unit Development Standards and Requirements	Sets out the standards for PUDs	Carry forward
36.266	Uses Permitted	Limits the range of allowable uses to residential units	Carry forward. But consider allowing mixed-uses with residential and nonresidential in a single building
<b>Article X. Administration and Enforcement</b>			
36.296	Administration and Enforcement	Identifies the Town Manager as the agent administering the zoning chapter	Suggest this be revised to identify Town Planner or Zoning Administrator
36.297	Building and Zoning Permits Required; Time Limitations for Site Plans and Building Permits	Sets out the requirements to obtain and time limits for building permits and zoning permits	Carry forward, but separate into each individual procedure
36.298	Health Department Approval	Limits issuance of building permit until county environmental health permits are issued (if required)	Carry forward with building permit information
36.299	Application for Building Permits, Zoning Permits and Site Plan Requirements	Sets out the plan submittal requirements for site plans	Carry forward with site plan provisions
36.300	Application for Permit for Conditional Uses	Sets out the procedure for conditional use permits	Carry forward with other procedures
36.301	Certificate of Compliance Required	Requires issuance of a certificate of compliance	<ul style="list-style-type: none"> <li>Clarify when required</li> <li>Carry forward with other procedures</li> </ul>
36.302	Violation	Clarifies that a notice of violation is required to be sent to a code violator	Relocate to enforcement chapter
36.303	Fees	Clarify that all plats and plans require payment of a fee	Carry forward
36.304	Vested Right	Sets out the procedure for establishing vested rights	Carry forward
<b>Article XI. Penalty</b>			
36.327	Enforcement	Clarifies that the Town may take advantage of remedies for violations	Relocate to the chapter on enforcement
36.328	Penalties for Violation	References the remedies for violations	
<b>Article XII. Board of Adjustment</b>			
36.360	Planning Board to Act as BOA	Clarifies that the Planning Board is authorized to act as the BOA	Carry forward
36.361	Alternate Members		Relocate to administration article

Sec. #	Section Title	Description	Recommendation
36.362	Meetings of the BOA	Sets out the composition, rules of procedure, and powers and duties of the BOA	
36.363	Quorum		
36.364	Voting		
36.365	Powers and Duties of the Board of Adjustment		
36.366	Appeals of Administrative Decisions	<ul style="list-style-type: none"> <li>Sets out interpretation provisions</li> <li>Sets out the procedure for appeal</li> </ul>	Carry forward with other procedural information
36.367	Variances	Sets out the standards and procedures for variances	Carry forward with other procedural information
36.368	Appeals from Decisions of the Board of Adjustment	Sets out the procedure for appealing a BOA decision	Carry forward, but relocate the standards to each individual BOA procedure
36.369	Impartiality of Board of Adjustment Members	Clarifies BOA member participation on matters where they have an interest	Relocate to administration article
<b>Article XIII. Duties of Zoning Administrator, Board of Adjustment, Courts and Town Council as to Matters of Appeal</b>			
36.385	Duties	Clarifies that questions concerning enforcement of the zoning chapter be posed to the Zoning Administrator as a request for an interpretation	<ul style="list-style-type: none"> <li>Carry forward with interpretation procedure</li> <li>Cross reference in enforcement chapter</li> </ul>
<b>Article XIV. Changes and Amendments</b>			
36.414	Motion to Amend	Sets out the procedure for zoning map amendments	<ul style="list-style-type: none"> <li>Incorporate with other map amendment provisions</li> <li>Clarify distinctions between map and text amendments</li> </ul>
36.415	Protest to Zoning District Changes	Sets out the protest petition provisions	Delete
36.416	Planning Board Action	Sets out the procedure for planning board review of map and text amendments	Carry forward with other permit procedures
36.417	Fees	Clarifies that a fee is required	Delete
<b>Article XV. Legal Status Provisions</b>			
36.448	Effects Upon Outstanding Building Permits	Clarifies that development with a building permit issued prior to effective date of the standards may proceed in accordance with the prior standards	Incorporate into transitional provisions
36.449	Interpretation, Purpose, Conflict	Clarifies that these standards are not intended to impair any private agreements, but when these standards set out a higher requirement than a private agreement, these standards control	Carry forward in relationship to other standards section
36.450	Validity	Severability clause	Replace with main severability provision in Chapter 1
36.451	Reenactment & Repeal of Existing Zoning Ordinance	Clarifies that the code does not replace but reenacts and continues prior provisions not replaced by new provisions Clarifies that violations under the prior ordinance continue under this ordinance	Replace with new transitional standards
<b>Article XVI. Hurricane and Storm Reconstruction and Redevelopment and Standards for Ocean Hazard Areas</b>			

Sec. #	Section Title	Description	Recommendation
36.471	Definitions	Sets out definitions	Relocate to definitions chapter
36.472	Hurricane and Storm Reconstruction and Redevelopment	<ul style="list-style-type: none"> <li>Sets out additional standards for reconstruction during or after a storm-related moratorium</li> <li>Sets out the requirements for issuance of a permit for a destroyed structure</li> <li>Sets out the requirements for issuance of a building permit for a majorly damaged structure</li> </ul>	Relocate to emergency management chapter
36.473	General Use Standards for Ocean Hazard Areas; Exceptions	Sets out the standards for ocean hazard areas	Carry forward in development standards, but update language generally
36.474	Exceptions to General Use Standards for Ocean Hazard Areas	Sets out the exceptions to the ocean hazard area standards	



Sea oats on the dunes in Southern Shores.

One of the first tasks undertaken in the preparation of this code assessment was a comparative review of the town codes used in similar communities. This analysis was undertaken to identify patterns in structure, organization, and relevant best practices for consideration by Southern Shores. The town codes from the following communities were included in this analysis:

- Nags Head, NC
- Duck, NC
- Kill Devil Hills, NC
- Manteo, NC
- North Topsail Beach, NC
- Southport, NC
- Kiawah Island, SC
- Edisto Beach, SC
- Fernandina Beach, FL
- Ocean City, MD

The following pages examine the basic code structure and interesting features found in the content of each of the codes listed above. Based on this review, we suggest Southern Shores consider including all or some of the following techniques as part of its Town Code update:

- A consolidated Offenses and Enforcement chapter that lists violations and remedies grouped by broad category;
- A consolidated Administration chapter that lays out the duties and responsibilities of Town Council, appointed Boards, and key Town staff and departments;
- A more comprehensive Animals chapter that includes owner responsibilities;
- More descriptive chapter titles (i.e., rather than having a chapter entitled Utilities that only contains wastewater provisions, have a chapter entitled Wastewater); and
- A more robust organizational structure within the Waterways and Beaches chapter to help users navigate the broad range of regulations it contains.

## 4.4 NAGS HEAD, NC

<b>Chapter # / Chapter Title</b>		<b>Population:</b> 2,757 permanent residents (2010)
1	General Provisions	<b>Size:</b> 6.6 square miles
2	Administration	<b>Form of Government:</b> Council/Manager
4	Amusements, Entertainments, Mass Gatherings, & Commercial Outdoor Recreation	<b>Ordinance # of Pages:</b> 508
6	Animals	
8	Beaches & Waterways	
10	Buildings & Building Regulations	
12	Businesses & Licensing	
14	Emergency Management	
16	Environment	
18	Excavations	
20	Fire Prevention & Protection	
22	Floods	
24	Mobile Homes, Mobile Home Parks, & Trailers	
26	Offenses & Miscellaneous Provisions	
28	Soil Erosion & Sedimentation	
30	Solid Waste Management	
32	Storm Reconstruction	
34	Stormwater, Fill, & Runoff Management	
36	Streets, Sidewalks, & Other Public Places	
38	Subdivisions	
40	Telecommunications	
42	Traffic & Motor Vehicles	
44	Utilities	
46	Vehicles for Hire	
48	Zoning	

The Nags Head Code of Ordinances includes the Town Charter and 25 chapters organized in alphabetic order (except for the prefatory “General Provisions” chapter).

The Town is engaged in the preparation of a unified development ordinance (UDO) that will reorganize all or a portion of the following chapters into a new UDO: 4, 10, 12, 16, 18, 22, 24, 28, 32, 34, 36, 38, & 48. The rationale behind this consolidation is that many of these chapters are directly related to land use issues and their consolidation into the UDO will help ensure consistency and ease of administration.

The ordinance is organized in to chapters, articles, divisions, and sections. Chapter titles are staggered to allow for insertion of subsequent chapters, which is a common practice, but can be confusing for chapters that address multiple issues, like Chapter 42, Traffic and Motor Vehicles. Another issue is the use of the term “Miscellaneous” as a chapter title, which is overly vague in light of the 15 sections it contains. Chapter 16 is entitled “Environment”, but addresses noise, nuisances, and abandoned structures.

The code document identifies cross-referenced text with underlines that allow a user to directly access the text by selecting it with a mouse. Each code section also includes information on the date(s) it was modified. Several chapters include a state law reference authorizing the respective chapter provisions, which is helpful.

The code language includes summary tables in Chapters 28, 30, 36, 44, and various illustrations in Chapters 34, 36, and 44. These kinds of tools, while often found in zoning and subdivision standards, are rare in town codes, and help summarize information and clarify the requirements.

There are several instances of repetition or near-repetition, such as the animal at-large provisions of Chapter 6, the motor vehicle operation standards in Chapter 8, the violation provisions listed throughout the document, that make the code regulations difficult to follow.

Substantively, the sexually oriented business provisions (Ch. 12, Art. 4) include considerable materials related to rationale, not standards, which should be avoided where possible as this is policy-related.

## 4.5 DUCK, NC

Chapter # / Chapter Title		Population: 369 permanent residents (2010) Size: 2.4 square miles Form of Government: Council/Manager Ordinance # of Pages: 324 <a href="http://www.amlegal.com/codes/client/duck_nc/">http://www.amlegal.com/codes/client/duck_nc/</a>
10	General Code Construction; General Penalty	<p>The Town of Duck Code of Ordinances is organized into an adopting ordinance, eight titles containing groupings of the code's 25 chapters, and a summary table of zoning map changes approved since 2003. Neither the code's titles nor its chapters are organized in alphabetical order. In many cases, chapter titles are descriptive (though several of the chapter titles, like General Regulations, are not).</p> <p>The first chapter sets out the rules of language construction and a set of general definitions to be used in the interpretation of code language. There is a section explaining how to read and understand the embedded references and amendment dates. There is also a general section dealing with penalties for violation of code provisions.</p> <p>Definitions are located throughout the code document, both in chapter-based summary lists, and within individual provisions. The location of definitions within individual standards instead of lists complicates use of the code.</p> <p>The code document identifies cross-referenced text with underlines that allow a user to directly access the text by selecting it with a mouse. Each code section also includes information on the date(s) it was modified.</p> <p>Chapter 31 includes an exceptionally detailed set of rules of procedure for the Town Council, how meetings will be conducted, and how budget ordinances are adopted. Chapter 32 sets out a detailed series of procedures and provisions dealing with post-storm emergencies. Several other chapters are fairly abbreviated, such as Chapter 33, 71, and 110.</p> <p>Title 15, Land Use, includes seven chapters related to development, subdivisions, zoning, flood control, and detailed AEC permitting provisions.</p> <p>The code includes a set of noise regulations that specify particular activities and qualitative (but not quantitative) standards. There is also a detailed list of unlawful activities on the beach as well as a section on allowable activities in parks.</p> <p>Several sections include repetition, such as driving/operating vehicles on beach, and provisions addressing the movement of buildings.</p>
30	General Administration, Officers, & Organizations	
31	Town Council	
32	Emergencies	
33	Police Department	
50	Solid Waste	
70	Traffic Regulations	
71	Traffic Schedules	
72	Parking Schedules	
90	Animals	
91	General Nuisances	
92	Abandoned, Nuisance, & Junked Motor Vehicles	
93	Parks	
94	Beach & Dune Management	
95	Special Events	
110	Peddlers & Vendors	
111	Alarm Systems	
130	Offenses Against Public Peace & Safety	
150	Flood Damage Prevention	
151	Buildings & Structures	
152	Rebuilding & Reconstruction; Damaging Storms Repair, Closing, or	
153	Demolition of Abandoned Structures	
154	Areas of Environmental Concern	
155	Subdivisions	
156	Zoning	

## 4.6 KILL DEVIL HILLS, NC

<b>Chapter # / Chapter Title</b>		<b>Population:</b> 6,683 permanent residents (2010)
10	General Provisions	<b>Size:</b> 5.5 square miles
30	Board of Commissioners; Town Officers	<b>Form of Government:</b> Council/Manager
31	Boards & Commissions	<b>Ordinance # of Pages:</b> 497
32	Police Department	
33	Civil Emergencies	
50	Garbage Service	
51	Water Service	
52	Sewer Service	
70	General Provisions	
71	Traffic Regulations	
72	Stopping, Standing, & Parking	
73	Motorcycles & Bicycles	
90	Abandoned & Junked Vehicles	
91	Streets & Sidewalks	
92	Parades, Pickets, & Group Demonstrations	
93	Nuisances	
94	Animals	
95	Fire Prevention & Protection	
96	Seaside Regulations	
110	Business Licensing	
111	Peddlers & Itinerant Vendors	
112	Sexually Oriented Businesses	
113	Cable Services	
114	Body Piercing Establishments	
115	Taxicabs	
116	Natural Gas Company	
117	Recycling	
130	General Offenses	
150	Building Regulations	
151	Flood Damage Prevention	
152	Subdivisions	
153	Zoning Code	

[http://library.amlegal.com/nxt/gateway.dll/North%20Carolina/killdevilhills/townofkilldevilhillsnorthcarolinacodeof?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:killdevilhills\\_nc](http://library.amlegal.com/nxt/gateway.dll/North%20Carolina/killdevilhills/townofkilldevilhillsnorthcarolinacodeof?f=templates$fn=default.htm$3.0$vid=amlegal:killdevilhills_nc)

The Town Code for Kill Devil Hills is comprised of eight titles containing 32 chapters along with a chapter on historic landmarks and a brief table of annexations. Chapters are organized by title, not in alphabetical order. Both title and chapter numbers are staggered to allow for future insertions. The code

includes an adopting ordinance and an initial general provisions chapter similar to Duck, NC and other town codes codified by American Legal Publishing.

The code sets out several boards and commissions, including Appearance Commission and Historic Landmarks Commission. The section on the Landmarks Commission also sets out Certificate of Appropriateness procedure and standards (that are likely better located with the other development review procedures).

Unlike several other Outer Banks community codes, the Kill Devil Hills code has a relatively short section on emergencies as well as very short sections on police and solid waste franchise provisions (though there are detailed recycling franchise provisions). On the other hand, the code has very detailed water system provisions, including water conservation standards applied in water shortages and sewer service provisions including a sewer-based moratorium in southern sanitary district. It also includes somewhat unique provisions related to civil citations (in addition to more typical provisions related to offenses in Chapter 130) for violations of the Town Code.

Title 11 includes a detailed set of business regulations addressing business licenses (no longer authorized), itinerant merchants, sexually-oriented businesses, body-piercing establishments, and taxis as well as public utility provisions for cable services and natural gas. While maintaining these use-specific standards outside the zoning ordinance allows for enforcement through the police, applicants and affected landowners may not know to look in the Town Code for these provisions. Chapter 130 also includes sections on sexually-oriented business, along with references to the zoning code (not Title 11).

Title 15, Land Usage, includes the building, flood damage, subdivisions, and zoning code provisions, as well as associated zoning code appendices.

## 4.7 MANTEO, NC

Chapter # / Chapter Title		Population: 1,434 permanent residents (2010)
1	General Provisions	<b>Size:</b> 1.9 square miles
2	Administration	<b>Form of Government:</b> Board of Commissioners/Mayor
4	Affordable Housing	<b>Ordinance # of Pages:</b> 244
6	Animals	
10	Buildings & Building Regulations	
14	Businesses	
18	Civil Emergencies	
21	Town Waters	
22	Environment	
26	Fire Prevention & Protection	
30	Offenses & Miscellaneous Provisions	
34	Solid Waste Management	
38	Streets, Sidewalks, & Other Public Places	
39	Parks & Recreation & Special Events	
42	Taxation	
46	Traffic & Vehicles	
50	Utilities	
A	Zoning Appendix	
B	Annexations	
C	Cable Services Regulatory Ordinance	

[https://www.municode.com/library/nc/manteo/codes/code\\_of\\_ordinances](https://www.municode.com/library/nc/manteo/codes/code_of_ordinances)

The Manteo Code of Ordinances is organized into 17 chapters and three appendices, including the zoning code, recent annexations, and the cable television provisions. Code chapters are not generally organized alphabetically or grouped by topic, and are staggered to allow for subsequent insertions. The code includes state law references and the how the particular state laws apply. The code also includes hyperlinked cross references to other code sections in the digital version.

The Town Code includes a general provisions chapter that sets out the rules of language construction and operation. The Administration chapter consolidates the composition and responsibilities for the Board of Commissioners, Town employees, and appointed boards (including a Cemetery Board with very detailed provisions relating to cemeteries).

Many chapters in the code include lengthy lists of information (such as lists of streets in Chapter 46), though there is some use of summary tables in Chapter 50. The water and sewer standards in Chapter 50 are some of the most extensive chapters in the Town Code.

Chapter 4 includes a mandatory affordable housing inclusionary ordinance. Chapter 21 includes a no-discharge zone for boats and mandatory pump-out station provisions for marinas. Chapter 26 includes fairly brief fire protection standards, but Chapter 10 has sections establishing a primary fire limits.

Chapter 30 is a 'catch-all' offenses and miscellaneous provisions chapter found in almost all coastal NC codes reviewed as part of this project. This chapter groups a wide range of dissimilar provisions together, and could more user-friendly if disaggregated and located with similar provisions in other chapters. Interestingly, Chapter 34 includes a section on littering, which could be included with other offenses.

The zoning ordinance is listed as being in Appendix A, however, it is no longer located in the Town Code. Appendix B includes a series of multi-page legal descriptions (totally 29 pages in length) showing annexations since 1977. Appendix C includes 57 pages of material detailing cable service provision. Interestingly, Appendix C has its own Appendix A.

<b>Chapter # / Chapter Title</b>		<b>Population: 743 (2010)</b>
1	General Provisions	<b>Size: 6.4 square miles</b>
2	Administration	<b>Form of Government: Council/Manager</b>
4	Licenses, Taxation and Miscellaneous Business Regulations	<b>Ordinance # of Pages: 389</b>
6	Public Safety	
6.5	Offenses and Miscellaneous Provisions	
7	Building Regulations	
8	Fire Code Enforcement	
10	Parks and Recreation	
11	Animals	
12	Vehicles and Boats	
13	Solid Waste Management	
14	Community Antenna Television System	
15	Unified Development Ordinance	

[http://library.amlegal.com/nxt/gateway.dll/North%20Carolina/northtopsailbeach\\_nc/townofnorthtopsailbeachnorthcarolinacode?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:northtopsailbeach\\_nc](http://library.amlegal.com/nxt/gateway.dll/North%20Carolina/northtopsailbeach_nc/townofnorthtopsailbeachnorthcarolinacode?f=templates$fn=default.htm$3.0$vid=amlegal:northtopsailbeach_nc)

The Town of North Topsail Beach Code of Ordinances is organized into 13 chapters. Code chapters are generally organized by topic, and includes very little staggering to allow for insertions. This seems to have resulted in the odd numbering of Chapter 6.5 inserted between Chapters 6 and 7. The code includes state law references throughout the sections. The digital version of the code includes hyperlinked cross references to other code sections.

The Administration chapter sets out the duties of the Board of Aldermen, key town staff including the Town Attorney, Town Clerk, and Town Manager, and contains the election provisions. The Town’s smoking policy is also located in this chapter, which seems out of place.

The code contains a ‘catch-all’ offenses and miscellaneous provisions chapter which in this case contains one article on posting of signs prohibiting carrying conceals weapons and one article on lot clearing.

Chapter 4 contains the business regulations, including sexually-oriented business regulations. Chapter 12 addresses issues of abandoned and junked vehicles. Each section in the chapter applies to both automobiles and watercraft.

The code utilizes a Unified Development Ordinance (UDO) which combines the Town’s zoning, subdivision, and environmental regulations into one chapter. However, the UDO is not included in the text of the online code; it is only incorporated by reference.



<b>Chapter # / Chapter Title</b>	
1	General Provisions
2	Administration
3	Animals
4	Buildings and Building Regulations
5	Cemeteries
6	Emergency Management
7	Fire Prevention and Protection
8	Flood Management Prevention
9	Health and Sanitation
10	Licenses and Business Regulations
11	Offenses and Miscellaneous Provisions
12	Parks and Recreation
13	Planning
14	Police
15	Solid Waste Management
16	Streets and Sidewalks
17	Traffic and Motor Vehicles
18	Tree Preservation
19	Utilities
Appendix A	Zoning
Appendix B	Subdivision Regulations

**Population:** 2,851 (2010)  
**Size:** 3.7 square miles  
**Form of Government:** Council/Manager  
**Ordinance # of Pages:** 393

[https://www.municode.com/library/nc/southport/codes/code\\_of\\_ordinances?nodeId=PTICH](https://www.municode.com/library/nc/southport/codes/code_of_ordinances?nodeId=PTICH)

The Southport Code of Ordinances is organized into 19 chapters and 2 appendices, which include the zoning and subdivision regulations. The code includes state law references throughout the sections.

The Administration chapter contains articles on the Board of Aldermen, Town staff, and appointed Boards and Commissions.

The chapter on Animals is one of the more comprehensive in this review, and contains sections on collars and tags, police and law enforcement dogs, required cleaning up after dogs and cats, animal cruelty, and strays.

Chapter 4, Buildings and Building Regulations, contains an article entitled “Specific Buildings” which gives use-specific standards for home occupations and bed and breakfasts.

Chapter 9, Health and Sanitation, includes mosquito control provisions prohibiting open standing water. It also includes the Town’s smoking, littering, and nuisance weed control provisions.

Appendix A contains the Town’s zoning regulations. It is further organized into 14 articles. The ordinance makes fairly good use of summary tables to convey dimensional requirements, but lists the requirements for each district separately rather than in one consolidated table. The article on off-street parking requirements also uses summary tables to convey information in a user-friendly manner.

Appendix B, the Subdivision Regulations, is organized into 14 articles. It includes a consolidated Definitions article that aggregates all of the definitions for the appendix. It provides example text for certificates of registration, accuracy, and mapping, ownership, and approval which are required to be shown on final plats.

## 4.10 KIAWAH ISLAND, SC

<b>Chapter # / Chapter Title</b>		<b>Population:</b> 1,626 (2010)
1	The Code	<b>Size:</b> 11.0 square miles
2	General Government and Administration	<b>Form of Government:</b> Mayor/Council
3	Elections	<b>Ordinance # of Pages:</b> 466
4	Finance and Taxation	
5	Personnel Administration	
6	Municipal Code	
7	Public Safety	
8	Health and Sanitation	
9	Buildings and Building Codes	
10	Public Utilities	
11	Public Works	
13	Traffic Control	
14	General Regulations	
15	General Offenses	
16	Beach Management	
17	Tidelands Management	

[https://www.municode.com/library/sc/kiawah\\_island/codes/code\\_of\\_ordinances](https://www.municode.com/library/sc/kiawah_island/codes/code_of_ordinances)

The Kiawah Island Code of Ordinances is organized in 17 articles.

Article 1, The Code, contains the typical introductory material including how the code is cited; rules of language construction; severability; and amendments to the code.

Article 2, General Government and Administration, contains sections referring to the Municipal Council, the mayor, council committees, and town departments and staff. This chapter also contains the emergency powers of the mayor.

Article 14, General Regulations, contains three dissimilar chapters: the flood damage prevention ordinance; prohibition of time-shares; and regulations for hospitality cabinets.

The General Offenses article provides an example of a consolidated offenses and enforcement article. It contains the following chapters:

- Offenses against property
- Offenses against public peace
- Offenses against public safety
- Offenses against public morals (bribery in public offices)
- Fish and wildlife regulations
- Authority of the Town to assess penalties for offenses

It also contains the Town's short-term rental permit and regulations information.

The Beach Management article is comprehensive and well-organized. It contains chapters on beach lighting; beach traffic; dune protection; pets on the beach; critical habitat areas;

endangered species protection; and recreation area regulations. It is in this article that the Town prohibits camping on the beach.

## 4.11 EDISTO BEACH, SC

<b>Chapter # / Chapter Title</b>		<b>Population:</b> 414 (2010)
1	General Provisions	<b>Size:</b> 2.4 square miles
2	Administration	<b>Form of Government:</b> Council/Administrator
2.5	Alcoholic Beverages	<b>Ordinance # of Pages:</b> 423
3	Auxiliary Organizations	
6	Animals	
8	Bay Creek Park	
10	Beaches and Waterways	
14	Buildings and Building Regulations	
18	Businesses	
22	Cable Communications	
26	Civil Emergencies	
30	Elections	
34	Emergency Services	
38	Environment	
42	Fire Prevention and Protection	
46	Human Relations	
50	Law Enforcement	
54	Municipal Court	
58	Offenses and Miscellaneous Provisions	
62	Planning and Zoning Administration	
66	Solid Waste Management	
70	Streets and Sidewalks	
74	Taxation	
78	Traffic and Vehicles	
82	Utilities	
86	Zoning	

[https://www.municode.com/library/sc/edisto\\_beach/codes/code\\_of\\_ordinances?nodeId=COOR](https://www.municode.com/library/sc/edisto_beach/codes/code_of_ordinances?nodeId=COOR)

The Edisto Beach Code of Ordinances is made up of 26 chapters which are organized roughly alphabetically and contain substantial staggering to allow for insertions. The online version of the code includes hyperlinked cross-references to other code sections.

The definitions in the code appear near the beginning of each code chapter or article within each chapter.

Chapter 46, Human Relations, contains the Town's fair housing ordinance.

Chapter 62, Planning and Zoning Administration contains provisions adopting the comprehensive plan by reference, establishing and empowering the Planning Commission, Zoning Board of Appeals, and the Building Code Administrator.

The Town's regulations related to alcoholic beverage control are located in their own chapter, rather than with business regulations or the zoning code.

The Utilities chapter contains four articles that set forth the regulations for water, sewer, and stormwater services.

In addition to the chapter on Beaches and Waterways that is fairly typical in coastal communities, the Edisto Island code also contains a chapter specifically regulating activities inside a town-run park, including hours of operation and prohibition of alcoholic beverages inside the park.

## 4.12 FERNANDINA BEACH, FL

<b>Chapter # / Chapter Title</b>		<b>Population:</b> 11,487 (2010)
1	General Provisions	<b>Size:</b> 10.7 square miles
2	Administration	<b>Form of Government:</b> Commission/Manager
6	Advertising	<b>Ordinance # of Pages:</b> 554
10	Alcoholic Beverages	
14	Amusements and Entertainments	
18	Animals	
22	Buildings and Building Regulations	
26	Businesses	
30	Cemeteries	
34	Elections	
38	Emergency Services	
42	Environment	
46	Fire Prevention and Protection	
54	Human Relations	
58	Offenses	
62	Personnel	
65	Recreational Facilities and Special Events	
66	Solid Waste	
70	Streets, Sidewalks and Other Public Places	
71	Communication Rights-of-Way	
74	Taxation	
78	Traffic and Vehicles	
82	Utilities	
86	Vehicles for Hire	
90	Waterways	

[https://www.municode.com/library/fl/fernandina\\_beach/codes/code\\_of\\_ordinances](https://www.municode.com/library/fl/fernandina_beach/codes/code_of_ordinances)

The Fernandina Beach Code of Ordinances is made up of 25 chapters and five appendices, which cover annexations, easements, franchises, rezonings, and vacations. The chapters are organized generally alphabetically, with staggering to allow for future additions to the code. The code includes references to state law in relevant sections, and the online version of the code includes hyperlinks that cross-reference other code sections and ordinances.

Chapter 22, Buildings and Building Regulations, is one of the more comprehensive chapters on this topic covered in our review. It includes five articles which cover the overlapping regulations that builders must commonly abide by in coastal communities: General; Technical Codes; Coastal Construction Code (Florida's rough equivalent to CAMA regulations); Housing Code; and Floodplain Management.

Chapter 70, Streets, Sidewalks, and Other Public Places, contains an article describing how the City defines and regulates art in public places, including the establishment of an Arts and Culture committee that is empowered to make decisions on public art.

The Fernandina Beach code includes its regulations related to boat operation in its Waterways chapter. It includes towing regulations in the chapter on Traffic and Vehicles.

Chapter 86 regulates vehicles for hire which operate within the City. This includes regulations that apply to horse-drawn carriages, taxicabs, sightseeing and trolley companies, and vehicle-based advertising businesses.

The five appendices serve as easy-to-reference records of each type of activity; for example, Appendix A, Annexations, lists in tabular form each ordinance that annexed land into the City, its date, and a description of lands annexed.

## 4.13 OCEAN CITY, MD

<b>Chapter # / Chapter Title</b>		<b>Population: 7,102 (2010)</b>
1	General Provisions	<b>Size: 4.41 square miles</b>
2	Administration	<b>Form of Government: Council/Manager</b>
6	Animals	<b>Ordinance # of Pages: 454</b>
10	Buildings and Building Regulations	
14	Businesses	
18	Civil Emergencies	
22	Elections	
26	Emergency Services	
30	Environment	
34	Fire Prevention and Protection	
38	Floods	
39	Franchises	
42	Human Resources	
46	Law Enforcement	
58	Offenses and Miscellaneous Provisions	
62	Boardwalk Performing and Vending	
66	Signs	
70	Solid Waste	
74	Streets, Sidewalks and Other Public Places	
78	Subdivisions	
82	Taxation	
90	Traffic and Vehicles	
94	Utilities	
98	Vegetation	
102	Vehicles for Hire	
106	Waterways	
110	Zoning	

[https://www.municode.com/library/md/ocean\\_city/codes/code\\_of\\_ordinances](https://www.municode.com/library/md/ocean_city/codes/code_of_ordinances)

The Ocean City Code of Ordinances is organized into 27 chapters which are listed in alphabetical order with staggering to allow for future code insertions.

Chapter 39, Franchises, contains articles relating to beach vendors such as photographers and rentals, and also contains the regulations for cable television, natural gas, operation of private piers, vehicle vendors (food trucks), and horse drawn carriages.

Ocean City's policies with regards to equal-opportunity employment and the adopted Fair Labor Code are codified within chapter 42, Human Resources.

The code contains the fairly common chapter entitled Offenses and Miscellaneous Provisions. The chapter is organized further into four descriptive articles: Offenses generally; offenses against public peace and order; offenses involving public safety; and offenses involving public health. Land development-related offenses are not included in the chapter.

The Zoning chapter is rather sparse and does not make use of summary tables. It is organized by district, and repeats the subsections for principal uses, accessory uses, temporary uses, off-street parking requirements, signs, landscaping, and site plans in each chapter. The Subdivisions chapter contains the procedures for preliminary and final plats, but does not include information on HOA requirements.

# HEADING 1

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## 4.15 HEADING 2

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### 4.15.1 Heading 3

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#### A. Heading 4

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#### B. Heading 5

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